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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

DIVERSION, PLANNING AND LOCAL ASSISTANCE COMMITTEE

JOE SERNA JR., CALEPA BUILDING

SIERRA HEARING ROOM

1001 I STREET, 2ND FLOOR

SACRAMENTO, CALIFORNIA

THURSDAY, NOVEMBER 7, 2002

9:00 A.M.

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CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

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CHAIRPERSON JONES: Good morning. And welcome to the Diversion, Planning and Local Assistance Committee, meeting for Thursday, November 7th.

Mr. Eaton has some chores to do, election time. He's not going to be able to make it.

Linda Moulton-Patterson, our Chair, has designated Sal Cannella as an alternate for her. So we have a quorum. Mr. Cannella is going to be serving as a Committee member.

And so, Jeannine, would you call the roll.

SECRETARY BAKULICH: Cannella?

BOARD MEMBER CANNELLA: Here.

SECRETARY BAKULICH: Medina?

COMMITTEE MEMBER MEDINA: Here.

SECRETARY BAKULICH: Jones?

CHAIRPERSON JONES: Here.

Any Ex partes, members?

Mr. Medina?

COMMITTEE MEMBER MEDINA: None to report at this time.

CHAIRPERSON JONES: Thanks.

Mr. Cannella?

BOARD MEMBER CANNELLA: None to report.

CHAIRPERSON JONES: And I'm up to date.

1 If anybody wants to speak to an issue, there are
2 speaker slips in the back of the room. Go ahead and fill
3 them out, mark the number on the item, and hand them up to
4 Ms. Jeannine Bakulich over here. She's going to walk over
5 to here and hand them to me rather than to make the lap
6 all the way around the room. So I mean that's kind of a
7 ways, so just come up here.

8 And if you have a cell phone, could you put it on
9 vibrate or mute it so that we don't get interrupted.

10 Okay. Mr. Schiavo, Deputy Director's report.

11 DEPUTY DIRECTOR SCHIAVO: Yes. Good morning.
12 Pat Schiavo, Diversion, Planning and Local Assistance
13 Division.

14 Just to give you a few updates regarding the
15 program implementation efforts. Regarding AB 75, the
16 state program implementation, you should have received a
17 letter last week or late in the week before that there is
18 about 264 state agencies that have been reviewed to date.
19 And you received that letter. And, you know, we asked if
20 you could give us any comments within a couple of weeks of
21 that time.

22 We plan on submitting another letter with about
23 60 state agencies for later this week or early the
24 following week. And that will leave us with about 80 more
25 reviews to go.

1 Regarding AB 939, after today we'll have less
2 than 100 reviews to go, including southern California and
3 northern California.

4 And, finally, we conducted a workshop early this
5 week regarding the implementation of AB 2308. That's the
6 inert bill. It was conducted in Long Beach. We had about
7 50 attendees representing multiple jurisdictions. And it
8 seemed to go real well. It was fairly brief because the
9 law's pretty prescriptive, not a lot of flexibility. But
10 everybody seems to understand what the law does and how
11 it's to be implemented. So that went real well.

12 CHAIRPERSON JONES: Great.

13 Any questions, members, on anything?

14 All right. Mr. Schiavo. Item B.

15 DEPUTY DIRECTOR SCHIAVO: Okay.

16 CHAIRPERSON JONES: How do want to do this?

17 We'll go B, Board number 1?

18 DEPUTY DIRECTOR SCHIAVO: Usually I say both.

19 CHAIRPERSON JONES: Just B?

20 Okay. B, Board number 1.

21 DEPUTY DIRECTOR SCHIAVO: Okay. Item number 1 is
22 a status report on the 1995-'96 compliance orders and a
23 discussion of issues related to Board evaluation of new
24 base years and program implementation. And this will be
25 presented by myself an Cara Morgan.

1 Regarding the overview of '95-'96 compliance
2 order, the Board to date has heard 465 biennial reviews in
3 1995-'96. Approximately 400 jurisdictions were considered
4 successful in meeting their AB 939 goal. And there are
5 about 65 jurisdictions that were placed on compliance.

6 Of the original compliance orders there were 16
7 that were placed on compliance for program implementation
8 issues and 49 for numeric deficiencies. And most of the
9 numeric deficiencies, almost all but two or three had to
10 deal with negative numbers.

11 The status of the remaining compliance orders
12 are, to date the Board has approved 60 jurisdictions that
13 have come off compliance, and there are 3 more to hear.
14 One of the jurisdictions the compliance was extended as a
15 result of still have some -- while they completed the new
16 base year, they have to go through the program
17 implementation phase. And you're going to hear another
18 one this morning.

19 Of the remaining jurisdictions, all have used --
20 the 3 have used extrapolation methods to achieve their
21 diversion results. So that is what you'll be hearing in
22 the near future.

23 Regarding findings related to the compliance
24 order generation studies, we're going to present to you
25 some methodology issues that we've seen, some discussion

1 regarding the integrity of the data, and also what we've
2 witnessed as far as extremely high generation tonnages
3 when the use of extrapolation has taken place.

4 Now, Cara is going to go ahead and discuss some
5 of those issues with you.

6 MS. MORGAN: Because of concerns related to
7 diversion numbers -- inflated diversion numbers using
8 extrapolation methods and other types of source reduction
9 quantification issues that were being claimed, the Board
10 wanted staff to perform an investigation of these
11 methodologies. In so doing a working group was formed of
12 various consultants, Board members, including Board Member
13 Jones, as well as Board staff, to evaluate these
14 methodologies.

15 One of the first efforts was to investigate
16 sampling methods and the appropriate number of samples to
17 use in varying situations. Various suggested methods for
18 approved sampling were discussed in the meeting. These
19 included more samples in lower populated areas and how to
20 deal with nonrespondents.

21 Survey processes were also analyzed and how to
22 quantify various material types and situations including
23 source reduction. There were extensive discussions
24 especially regarding the use of pallets and how they
25 should be quantified.

1 It was discussed because there are so many
2 variations that this should be handled on a case-by-case
3 basis. What ultimately matters is demonstrating a net
4 reduction in disposal with respect to source reduction.

5 A review of the various extrapolation methods was
6 also discussed, and it was acknowledged that there were
7 many approaches that could possibly be used. There were
8 many issues discussed regarding these methods.

9 Staff also performed analyses of data submitted
10 using extrapolation methods and found that overall
11 generation tonnages based upon pounds per person per day
12 were 79 percent higher using extrapolation.

13 CHAIRPERSON JONES: Say that again?

14 MS. MORGAN: Sure. Staff looked and compared
15 both the extrapolated studies to the non-extrapolated
16 studies with respect to pounds per person per day and
17 found that the extrapolated studies were on average 79
18 percent higher than non-extrapolated studies.

19 Overall diversion rates were also significantly
20 higher than those that did not use extrapolation. The
21 average diversion rate with extrapolation was 53 percent
22 versus 41 percent. This is a 29-percent difference
23 between extrapolated and non-extrapolated studies.

24 Staff also found that the use of extrapolation
25 also greatly increased the amount of source reduction

1 claims on average by 300 percent versus non-extrapolation.

2 One of the major products of the working group
3 was the completion of the diversion study guide, which is
4 a guidance document that provides suggestions for people
5 performing new base year studies. This document was sent
6 out multiple times for peer review and comment. Most
7 suggestions made were incorporated into the final
8 document.

9 During the process of developing the diversion
10 study guide it was determined by members of the working
11 group that there are many situations regarding diversion
12 activities that arise and, therefore, it is not practical
13 to set specific standards for each type of diversion
14 activity. This would limit legitimate diversion efforts
15 that were never considered, the working group found.

16 It was decided by members of the working group
17 that next flexibility was necessary. Again, legitimate
18 diversion activities would be decided on a case-by-case
19 basis.

20 One of the major concerns during this process was
21 lack of clarity and consistency of data presented, in
22 addition to a direct relationship of program activities.
23 To address these concerns a new base-year certification
24 form was developed. This is the form that we currently
25 use for base-year studies.

1 The certification form was reviewed by members of
2 the working group and other interested parties, and
3 adjustments were made based upon their comments. It was
4 also pier reviewed before a formal roll out.

5 DEPUTY DIRECTOR SCHIAVO: Our observations
6 regarding the current base-year efforts is that the
7 quality -- overall quality over time has been improving.
8 However, the use of extrapolation we found, again as Cara
9 mentioned, that their generation tonnages were much higher
10 when the use of extrapolation took place versus
11 non-extrapolation.

12 We also began, you know, in our field audits of
13 all the new base years submitted and found that the use of
14 a certification form has helped tremendously in improving
15 the quality of data submitted to the Board by tying the
16 program implementation efforts to the diversion tonnages
17 that were being claimed. So you could have more checks
18 and balances in the process.

19 Many of the studies that use an extrapolation are
20 not providing adequate documentation nor accurate
21 information. While the quality of much of the field work
22 is improving, use of the certification form has revealed a
23 lack of clarity of information used to extrapolate
24 diversion data.

25 In reviewing extrapolated methods staff have

1 found inconsistencies in data submitted to the Board.
2 This has resulted in staff and a Board-approved consultant
3 not recommending approval of some of the upcoming new base
4 years that used extrapolation.

5 Some of the issues related to the extrapolation
6 methods in which we lacked clarity were how were outliers
7 dealt with, what were the sampling methods used -- the
8 actual sampling methods used versus what was conveyed to
9 us, and what was done for nonrespondents in the sampling
10 group?

11 So, again, overall the development and use of the
12 certification form has improved the process tremendously
13 as far as finding out what has actually taken place, and
14 making those program ties to the actual tonnages claimed
15 in diversion. So you can realistically see where your
16 gaps in the program implementation are taking place and
17 what you need to do for the future to improve program
18 performance.

19 So that concludes our presentation.

20 CHAIRPERSON JONES: Okay. I want to open up it
21 up for some questions. But I want to make one thing real
22 clear. There's a lot of folks in this room. We're having
23 this issue -- we're having this item brought forward to
24 the Board at my request. I asked staff to bring this
25 forward because there's an awful lot of misinformation

1 going on all over the land. And a couple of the things
2 that needed to be talked about and need to be talked about
3 from this dais, out of fairness to the cities and
4 everybody else, is a couple of very key issues. It's been
5 reported that the Board has screwed everything up when we
6 put in the moratorium, when we put in the moratorium, it
7 hurt all the cities. And if you didn't hear it from Pat
8 and Cara's report, we stopped base years coming forward
9 because they were so flawed, they were so poorly done,
10 they were so fraudulent, that it -- we couldn't do it. I
11 want to tell you why.

12 We have people that were claiming grass cycling
13 and identifying areas that when our staff went out to
14 audit and said, "Where's the 60 acres?" and they said,
15 "Well, all we got's an acre and a half over here." That's
16 a tough mistake to make.

17 When we saw jurisdictions come forward that
18 claimed 30,000 and 40,000 tons of diversion, and 30,000 of
19 it was using pallets at a rate of 800 pounds per pallet,
20 that's not fair to cities that are putting in programs or
21 to consultants that are trying to provide a service.
22 That's not fair. That's why we stopped everything.

23 Then we find out that there are a couple of
24 different ways to do extrapolation. You either do it
25 random survey or stratified survey. And part of what we

1 determined when we went through the -- through the
2 moratorium and we were working on the guide, was we wanted
3 to give people the flexibility to either go out and do a
4 real audit, go out and do some other form, or do an
5 extrapolation based on either random or whatever.

6 But we said if you're going to use -- if you're
7 going to do an extrapolation, you need to tell us in the
8 form how you did it, how you're going to deal with the
9 outliers, how you're going to deal with -- you know, who
10 did you look at, why did you look at them. You've got to
11 give us an explanation. You just can't give us a number
12 that says, "I'm at 74 percent diversion based on my new
13 base year" and expect us to figure it out. Well, there
14 were base years that came forward that we were -- our
15 staff had been told that they were random. And then we go
16 in and start doing the audit, we find out they're not
17 random, they were the biggest and the best, and you
18 extrapolate that out and your numbers go sky high, then
19 we're the ones that have to turn around and tell a city,
20 "This isn't going to work." So the cities are stuck, the
21 cities are caught in a situation where they want to
22 comply, but they're not always in a position to comply
23 because they think they're doing the right thing.

24 And the work's not getting done the right --
25 according to what the standards were that were set by this

1 Board. It's not fair to the cities, it's not fair to the
2 haulers that are paying in some of those cases.

3 And there's a lot of good consultants out there
4 that do good. I looked through all this stuff today. I
5 was pretty impressed. There's a lot of information out
6 there because I get letters and phone calls all the time,
7 as do other Board members, that the Board is really
8 messing up this city.

9 So that's the importance of why we're having this
10 discussion right now. So as questions get asked, if
11 you've got questions from the audience, I want to give you
12 an opportunity to ask. This isn't going to be a workshop
13 on base years. But I'll take one or two specific
14 questions because if we didn't cover it in the questions,
15 the members may want to ask. This is a critical issue and
16 we do not like seeing cities have to continually redo work
17 based on a whole lot of different things. We've tried to
18 make it simple. We've tried to make it so there's
19 flexibility. But it's pretty scary when some of our
20 audits where our people are going out trying to verify --
21 trying to stand by a consultant and find out that of the
22 50,000 tons, we're not going to allow 29,000 because it
23 doesn't exist. That's not a good situation to be in.

24 Sorry. I just wanted to put that in a context to
25 make sure everybody understood, because there sure as heck

1 are plenty of letters going around and plenty of
2 misinformation. So now you get to hear it from the
3 horse's mouth.

4 I want to ask if any members have a question now
5 or if you -- Mr. Medina.

6 COMMITTEE MEMBER MEDINA: I don't have a
7 question. I just want to say that we don't want to see a
8 program suffer at the expense of getting numbers higher.

9 CHAIRPERSON JONES: Right, exactly.

10 I've got a couple of questions.

11 Pat, the methods -- you know, there's been a lot
12 of talk about the methods and the standards have been
13 changed as a result of the moratorium.

14 What's going on with that?

15 DEPUTY DIRECTOR SCHIAVO: There really have not
16 been any changes in standards or methods. The standard
17 that's applied is to be as accurate as possible per
18 statute.

19 What's changed is the scrutiny as a result of
20 what we're finding, you know, a year and a half ago, two
21 years ago. And so now we've been performing the field
22 audits. We've hired a third-party consulting firm to
23 look -- or, you know, statisticians to look at some of the
24 sampling methodologies.

25 So the methods, the standards haven't changed.

1 We provided additional clarity in the diversion
2 study guide. And we've also developed the -- you know,
3 the form that people use when they submit the new base
4 years, which again tie the programs to the numbers.

5 So we've placed more scrutiny on the studies.

6 CHAIRPERSON JONES: Okay. Now, when your staff's
7 gone out to do an audit, what have you found regarding
8 like the top 10 businesses that you've performed in
9 evaluating new base years? Just those top 10 in a
10 jurisdiction.

11 DEPUTY DIRECTOR SCHIAVO: Just the top 10 we've
12 found that -- you know, we did some preliminary tests this
13 week and we just randomly picked out 27 different
14 jurisdictions that submitted new base years. And the top
15 10 -- that 80 percent of the diversion was achieved in 19
16 of those 27 studies with the top 10 only, which was pretty
17 interesting to us. And in I think it was 12 of the 19 --
18 or 27 studies that there was 90 percent or higher. So the
19 top 10 -- and we didn't even look at the top 20. So I
20 imagine the top 20 would even take the contribution that
21 much higher.

22 CHAIRPERSON JONES: Okay. And then, you know,
23 there's a lot of talk -- you know, we've always endorsed
24 the idea of regional agencies. I think before in the law
25 didn't they have to be contiguous? I think an old law

1 they had to be, but I don't know. Hopefully, Elliot,
2 you're going to look at that.

3 But I think back in -- it wasn't 688. It was
4 something before 688 that allowed for regional agencies.
5 And I think they had to be contiguous, and I think it had
6 to do with the hauler. And I don't know if that's changed
7 or not. But with a regional agency -- and obviously
8 there's a lot of talk about regional agencies -- they hit
9 some magic number, and the number in this game is 50
10 percent. What's their obligation as far as programs in
11 the SRRE and things like that in each of those
12 jurisdictions?

13 DEPUTY DIRECTOR SCHIAVO: They still must
14 implement and continue to implement the programs that they
15 indicated in their Source Reduction and Recycling
16 Elements. So, yeah, that's essentially their contract
17 with us, and they still must maintain that. We will still
18 evaluate the program implementation efforts based on any
19 information that we have.

20 CHAIRPERSON JONES: Okay. Because, you know,
21 that's another thing that, you know, and we've said it, a
22 lot of you may not have ever come in front of this
23 Committee or heard what the Board -- when we were doing
24 it. We always have looked at the number as being the
25 indicator. And it's the programs that are -- you know,

1 you look at both of them. You look at the number and you
2 look at the programs to find conformance and compliance
3 with the mandate of AB 939. And an example is, when we
4 were doing the 1995 biennial reviews as the full Board, we
5 had a city that had a 52-percent diversion rate that we
6 put on a compliance schedule because they had zero
7 programs. They just had creative pencils.

8 So you need to know -- and we're not doing this
9 to scold. We're doing this because there's so much
10 misinformation, that you needed to hear it from here, that
11 we don't want to see the cities get put in a situation
12 where they think they're doing the absolute right thing
13 and then at the last minute find out that nothing was
14 followed, they didn't play by the rules. Because it's the
15 city that gets hurt. It's not the consultant usually. So
16 that's why we're doing this.

17 I do have one other question, and then I'll turn
18 it over.

19 There's a jurisdiction that got put on an order
20 and has actually gone out, hired -- and we have a
21 policy -- or we set a policy, no more extensions. We were
22 giving a lot of extensions. But went out, hired a firm to
23 do part of their compliance order, which was to get
24 numbers because they're numbers were whacked. They didn't
25 do the job right. They went out and paid money to another

1 consultant, took them down a road, find out that they
2 didn't play by the rules, unfortunately, big time. Now,
3 that city has done everything it could to try to -- and
4 still don't have a clue as to what's real and what's not
5 real within their jurisdiction.

6 How are we -- we need to -- as a Board, I think
7 we need to give some relief to that city. They're asking
8 that they at least get a little more time. And They've
9 spent the money, you know, to do what we've asked them to
10 do. They were just -- they just had people doing the work
11 that advertised that, you know, they can do the work. And
12 it didn't get done, it didn't happen.

13 So I think an item for our Board, and maybe a
14 recommendation from this Committee if the other members
15 feel the same way, is that where a jurisdiction can prove
16 that it's trying to comply with our order and through no
17 fault of their own we find out in the -- you know, as the
18 result of that effort that they hadn't been following the
19 rules exactly right, that we ought to have some
20 flexibility maybe to give them a little more time to get
21 it fixed, to get it figured out, rather than say that they
22 didn't comply with the order. Because the order was go
23 out and get somebody, you know, and -- or do it yourself
24 and fix these numbers. And they tried twice -- they paid
25 twice, and still ended up not getting what they needed.

1 So, you know, I'd like us to at some point to
2 think about maybe giving some relief --

3 COMMITTEE MEMBER MEDINA: This would be again the
4 good faith effort?

5 CHAIRPERSON JONES: Yeah, not even -- yeah, not
6 saying that they're done maybe, but just saying, "We'll
7 give you more time to figure it out," because our staff's
8 going to have to go in there. And they're up against a
9 deadline, you know, the time of the compliance order.

10 Would that --

11 BOARD MEMBER CANNELLA: I certainly wouldn't
12 object on a case-by-case basis to issue an extension for a
13 municipality that showed good-faith effort, but because of
14 circumstances beyond their control were not able to meet
15 the compliance order, that they would be given, again on a
16 case-by-case basis, an extension.

17 CHAIRPERSON JONES: Sure. Okay.

18 If it's okay with the members, I'd like to bring
19 that up at the Board meeting coming up as a result of this
20 item to just let them know what our thinking was.

21 BOARD MEMBER CANNELLA: Sure.

22 CHAIRPERSON JONES: Okay. And I don't know if I
23 can do that legally. But I think we probably can.

24 Okay. Members, anything that you would like to
25 add on this?

1 No questions?

2 Okay. Staff, do you have anything?

3 I've got one speaker. Mark White, Pacific Waste
4 Consulting Group.

5 Mark.

6 MR. WHITE: Thank you, Mr. Chairman.

7 As you all know, we've represented a number of
8 communities that have been up here before you and gone
9 back to redo some of our work.

10 We believe that the evaluation done by your staff
11 is -- the only thing we don't like about is it's done two
12 years after we did the original work. But it's fair and
13 it's straight and it's not onerous. It does cause us to
14 go back and restructure.

15 The only thing I'd like to offer -- and I think
16 it's a good thing. We've done 22 of these things. We've
17 got three of them before you right now. And it won't be
18 long till you see two more. But what I would like to
19 offer is that we do have some trouble with the cert form.
20 And we've worked with your staff on the cert form. It is
21 onerous to us in a lot of ways. We're working our way
22 through it. And the new ones should be better. The old
23 ones have been tough.

24 The one comment you made just a moment ago with
25 regard to the city that's been before you a couple of

1 times, the one thing that we'd like to see is that our --
2 my cities often are very sensitive to how the message
3 comes across. And though it doesn't come directly from
4 your Public Relations staff in a negative way, a couple of
5 my cities are dealing with the papers in rather
6 contentious ways. And they like to see things brought to
7 them in the most positive way they can because the paper's
8 going to make a fight out of it if at all possible.

9 We love what you're doing. Keep asking us
10 questions. That's what we're here for. Even though we
11 don't use the E word and never will, keep doing these
12 things.

13 CHAIRPERSON JONES: All right. Thanks, Mark.
14 Appreciate it.

15 You're working on a -- now, the cert form we have
16 is a result of the work we did, right?

17 DEPUTY DIRECTOR SCHIAVO: Right.

18 CHAIRPERSON JONES: Okay. So the cert form that
19 everybody is using right now is a result of the work that
20 was done by that group that Mark White was part of.

21 (Laughter.)

22 CHAIRPERSON JONES: But that's okay. At least we
23 got it going now.

24 Are you guys going through another iteration to
25 try to --

1 MS. MORGAN: Actually one of Mark's challenges,
2 particularly what he's speaking of, is when he was using
3 the old certification form to the new one. And it was a
4 little bit hard. When they design their studies, they
5 design, you know, their spreadsheets, et cetera, for one
6 way. So it's been a transition, and our staff has spent a
7 lot of time trying to help him -- walk him through it.
8 And I think we're seeing some headways and set up a system
9 for him when he's doing new studies. So he's set off
10 right, you know, at the start. And we're doing that for
11 everyone, because that's been a challenge.

12 CHAIRPERSON JONES: Okay. Very good.

13 That was the only speaker slip I have.

14 So I appreciate staff bringing this discussion
15 forward. I think it's important. Hopefully -- now,
16 you'll hear the other side of the issue, and it might give
17 you, you know -- at least you can call us if you ever have
18 a question on some of this stuff.

19 All right. Item C, which is going to be the
20 DRS --

21 DEPUTY DIRECTOR SCHIAVO: Mr. Jones, may I
22 interrupt?

23 CHAIRPERSON JONES: No, no, no. I know you want
24 that moved.

25 Oh, go ahead.

1 DEPUTY DIRECTOR SCHIAVO: Yeah, we're ready for
2 it now.

3 CHAIRPERSON JONES: Oh, are you?

4 DEPUTY DIRECTOR SCHIAVO: Yeah, we can do it,
5 so --

6 CHAIRPERSON JONES: Oh, okay.

7 DEPUTY DIRECTOR SCHIAVO: Just changed. Just got
8 a note.

9 CHAIRPERSON JONES: I was just trying to follow
10 your instructions, Bubba.

11 DEPUTY DIRECTOR SCHIAVO: We're just trying to be
12 flexible.

13 CHAIRPERSON JONES: All right. We're going to do
14 Item B, just housekeeping. There's three items that have
15 been -- go ahead. You can come up.

16 There's three items that have been pulled. M, N,
17 and O have been pulled. Everything else --

18 COMMITTEE MEMBER MEDINA: Which ones are those
19 again, please?

20 CHAIRPERSON JONES: I'm sorry.

21 M, which is city of Escalon; N, like Nancy, city
22 of Tracy; and O, unincorporated Madera County.

23 All three of those, Pat?

24 DEPUTY DIRECTOR SCHIAVO: Yes.

25 CHAIRPERSON JONES: Had submitted?

1 DEPUTY DIRECTOR SCHIAVO: Yes, they submitted
2 their --

3 CHAIRPERSON JONES: All right. All three of
4 those items that we've pulled were going to be to go on
5 compliance orders. All three got their SB 1066 approved
6 by staff. So we pulled the items so that they could come
7 forward with SB 1066. All right.

8 DEPUTY DIRECTOR SCHIAVO: Okay. The next item is
9 a presentation of the draft proposed Disposal Reporting
10 System regulation revisions for the initiation of the
11 informal regulations development process.

12 And Diane Shimizu will make this presentation.

13 (Thereupon an overhead presentation was
14 presented as follows.)

15 MS. SHIMIZU: Good morning, Chairman Jones and
16 Members of the Committee. I am Diane Shimizu with the
17 Waste Analysis Branch. And I will present a brief
18 overview of the proposed revisions to the Disposal
19 Reporting System and Adjustment Method regulations.

20 --oOo--

21 MS. SHIMIZU: Chapter 740 Statutes of 2000 or SB
22 2202 require the Board to convene a working group
23 comprised of a variety of stakeholders to examine the
24 existing Disposal Reporting System or DRS.

25 Additionally the Board directed staff to convene

1 working groups to examine the entire goal measurement
2 system, including the adjustment method.

3 The groups recommended various ways to improve
4 the accuracy of the goal measurement system, several of
5 which require regulatory changes.

6 --o0o--

7 MS. SHIMIZU: This presentation will highlight
8 the proposed regulations' revisions based on the SB 2202
9 working group recommendations approved by the Board.

10 --o0o--

11 MS. SHIMIZU: One recommendation addressed how
12 often facility operators determine jurisdiction of origin
13 of waste loads. The recommendation was to change from a
14 one-week-per-quarter survey period to daily surveys of
15 every load. The group proposed exceptions for self-haul
16 loads transported in smaller vehicles and for all loads at
17 rural facilities.

18 The first informal draft regulations require
19 daily surveys. Facilities are given the option of
20 conducting standard one-week-per-quarter surveys for
21 pickup truck and passenger vehicle loads. And rural
22 facilities are only required to conduct standard
23 one-week-per-quarter surveys for all loads.

24 --o0o--

25 MS. SHIMIZU: Another recommendation was to weigh

1 every load of waste except car and pickup truck loads.
2 The draft regulations require scales and weighing for all
3 facilities above a certain daily tonnage.

4 All transformation facilities would be required
5 to weigh waste. And counties may request a reduction in
6 weighing requirements for passenger vehicle and pickup
7 truck loads.

8 --o0o--

9 MS. SHIMIZU: The working groups recommended that
10 all facilities post signs about jurisdiction of origin
11 data collection, with language to be provided by the
12 state. The draft regulations require signs at gatehouses,
13 and suggested language is provided.

14 --o0o--

15 MS. SHIMIZU: The working groups wanted statewide
16 standards for collecting disposal tonnage and
17 jurisdiction-of-origin information. They recommended
18 using dispatch-based allocation of waste among
19 jurisdictions and the collection of cash customer
20 information. To address this, the draft regulations
21 proposed standard information to be collected from
22 commercial self-haulers such as landscapers and
23 contractors.

24 And commercial haulers, that is, waste disposal
25 companies, are required to report jurisdiction of origin

1 based on their dispatcher records.

2 --o0o--

3 MS. SHIMIZU: The working groups recommended that
4 landfill and transfer station operators send jurisdictions
5 a copy of DRS information at the same time they send it to
6 the counties. The proposed regulations make this
7 recommendation a requirement.

8 --o0o--

9 MS. SHIMIZU: Another recommendation was that
10 cooperation with DRS be a part of the solid waste
11 facilities permit conditions, and for the state to provide
12 enforcement authority.

13 Title 27 is being revised to require landfills to
14 maintain DRS records as part of the minimum operating
15 standards.

16 --o0o--

17 MS. SHIMIZU: The groups also recommended that
18 the Board enact procedures to reduce potential DRS
19 inaccuracies. For example, the group wanted the Board to
20 provide DRS training.

21 The proposed regulations have provisions for
22 training all parties involved in DRS. Training would be
23 required for each employee on relevant regulations
24 sections, and employee training records would be retained
25 for three years. Board staff are developing training that

1 may be used to satisfy these training requirements.

2 --o0o--

3 MS. SHIMIZU: The working groups recommended
4 adding Employment Development Department, or EDD, industry
5 employment as a default adjustment method factor.
6 Additionally, they wanted the board to consider EDD labor
7 force employment for the residential adjustment
8 calculation and EDD industry employment for the
9 nonresidential calculation. Finally the groups wanted the
10 Board to consider city-level EDD industry employment.

11 The proposed regulations allow the use of any one
12 of three countywide EDD employment factor number sets as
13 the default or standard factor.

14 First, labor force employment, that is,
15 employment by place of residence; or industry employment,
16 that is, employment by place of work; or labor force
17 employment for the residential waste generation estimate;
18 and industry employment for the nonresidential waste
19 generation estimate.

20 The working groups recommended the use of 1991
21 city-level industry employment data by zip code for the
22 1990 base year if the city shows the 1990 to 1991
23 employment trend was increasing. In the proposed revised
24 regulations the employment factor number for the year
25 following the base year may be used for the base year

1 factor number if the base year factor number is not
2 available and the factor number for the year following the
3 base year reflects increased or no growth since the base
4 year.

5 --o0o--

6 MS. SHIMIZU: And the next steps in the
7 regulatory process are public review and comment on the
8 first informal draft regulations, the notice of workshops.
9 And availability of the informal draft regulations and
10 statement of reasons will be sent in mid-November.

11 Two informal workshops are scheduled. One in
12 Sacramento on December 5th and one in Diamond Bar on
13 December 12th.

14 After reviewing the comments received on the
15 first informal draft staff will revise the regulations and
16 statement of reasons and provide an update to the Board.

17 This concludes my presentation. Are there any
18 questions for staff?

19 CHAIRPERSON JONES: Members, any questions?

20 I just have -- now, the committees that you
21 had -- the working groups that you had that put all these
22 recommendations forward, they were, I think, three or four
23 different groups, right? And the total number of citizens
24 or stakeholders that were part of that?

25 MS. VAN KEKERIX: I'm Lorraine Van Kekerix with

1 the Waste Analysis Branch.

2 We had 70 stakeholders in the working groups for
3 2202. We sent out three draft documents with all of the
4 recommendations to over a thousand stakeholders. And they
5 got those all three times. And then the Board voted to
6 approve some, but not all, of the those recommendations.

7 CHAIRPERSON JONES: Of their recommendations,
8 right.

9 MS. VAN KEKERIX: And there are additional
10 recommendations which we have been working on at the
11 Board's direction. So this is only part of the
12 recommendations that were in the workplan that came out of
13 the SB 2202 report.

14 CHAIRPERSON JONES: Okay. There was an E-mail
15 sent to us -- well, I guess it wasn't sent to all of us;
16 I'll make sure that it gets to all the members -- from Mr.
17 Mahajer, where he wants -- you know, some of the things
18 went forward that we didn't obviously vote on, maybe, or
19 we didn't include, is what I'm concluding from this
20 E-mail. Right?

21 MS. VAN KEKERIX: I'd have to look at the E-mail
22 to tell you whether the particular items that he's
23 included are part of the recommendations.

24 DEPUTY DIRECTOR SCHIAVO: I think in the E-mail,
25 if I remember, glancing at it, it had talks about

1 enforcement activities.

2 CHAIRPERSON JONES: Yeah, he wants us to be able
3 to penalize people that are giving wrong numbers and --
4 where was he when we were talking about base years?

5 (Laughter.)

6 CHAIRPERSON JONES: We'll give the money back to
7 the cities.

8 Increasing the number and the types and all that
9 stuff.

10 So you've got this. Take a look at it as part of
11 your stuff.

12 DEPUTY DIRECTOR SCHIAVO: And we do address --

13 COMMITTEE MEMBER MEDINA: I did not receive a
14 copy of --

15 CHAIRPERSON JONES: Okay. I'll make sure that
16 you get -- I just got this. This was in my packet today.
17 So I'll make sure that you all get copies of it.

18 DEPUTY DIRECTOR SCHIAVO: And in the draft
19 regulations we actually do include language regarding
20 enforcement activities and how we would try to approach
21 that.

22 CHAIRPERSON JONES: All right. Thank you for
23 that report.

24 Any questions, members?

25 No.

1 Okay. Very good.

2 We're moving on to Agenda Item D.

3 DEPUTY DIRECTOR SCHIAVO: This is consideration
4 of the adequacy of the five-year review report of the
5 countywide Integrated Waste Management Plan for Contra
6 Costa County.

7 And Eric Bissinger will make this presentation.

8 MR. BISSINGER: Good morning, Board Members.

9 The Contra Costa County Local Task Enforcement
10 completed its five-year review of the countywide
11 Integrated Waste Management Plan. And in concurrence with
12 the county, the determination was made that a revision of
13 the county's plans was not necessary at this time.

14 Board staff has evaluated the county's review
15 report and determined that the required elements have been
16 addressed. Therefore, it is staff's recommendation that
17 the Board approve the county's assessment that no revision
18 is necessary.

19 And this concludes my presentation. Are there
20 any questions?

21 CHAIRPERSON JONES: Questions, members?

22 Mr. Medina.

23 COMMITTEE MEMBER MEDINA: No questions.

24 And I'll move this. I just wanted to make a
25 comment that jurisdictions should submit these when

1 they're due and not when they think it's appropriate.

2 And with that I'd like to move Resolution
3 2002-665, consideration of the adequacy of the five-year
4 review report of the countywide Integrated Waste
5 Management Plan for the County of Contra Costa.

6 BOARD MEMBER CANNELLA: Second.

7 CHAIRPERSON JONES: We've got a motion by Mr.
8 Medina, a second by Mr. Cannella.

9 Jeannine, could you call the roll.

10 SECRETARY BAKULICH: Cannella?

11 BOARD MEMBER CANNELLA: Aye.

12 SECRETARY BAKULICH: Medina?

13 COMMITTEE MEMBER MEDINA: Aye.

14 SECRETARY BAKULICH: Jones?

15 CHAIRPERSON JONES: Aye.

16 On consent, members?

17 Thank you.

18 Item E.

19 DEPUTY DIRECTOR SCHIAVO: Okay. We'd like to
20 combine Items E and F. And these are consideration of the
21 amended Nondisposal Facility Elements for the city of
22 Fresno.

23 And Cedar Kehoe will make that presentation.

24 MS. KEHOE: Good morning, Chairman and Committee
25 Members.

1 The city of Fresno has amended their Nondisposal
2 Facility Element, NDFE, by identifying and describing the
3 Cedar Avenue Recycling and Transfer Station, a new
4 transfer station to be located in the city of Fresno; and
5 by identifying and describing the Sunset Wastepaper
6 Material Recovery Facility and Transfer Station, a
7 proposed new transfer station also to be located in the
8 city of Fresno. Both are areas planned and zoned for
9 heavy industrial uses.

10 The Permit and Enforcement Division will be
11 presenting an agenda item for the proposed permit for both
12 of these facilities in the future.

13 The city has submitted all required
14 documentation. And the Board staff, therefore, recommends
15 approval of both of the amendments to the city's NDFE.

16 This concludes my presentation.

17 CHAIRPERSON JONES: Thank you.

18 Mr. Medina.

19 COMMITTEE MEMBER MEDINA: Thank you, Chair Jones.

20 I'd like to move Resolutions 2002-666 and
21 2002-667, a consideration of the amended Nondisposal
22 Facility Element for the city of Fresno, Fresno County.

23 CHAIRPERSON JONES: Thank you.

24 BOARD MEMBER CANNELLA: Second.

25 CHAIRPERSON JONES: And I have a second by Mr.

1 Cannella.

2 Substitute the previous roll?

3 On consent?

4 Thank you.

5 All right. Mr. Schiavo, just one question.

6 We've got a city council person that's got to get on an
7 airplane that's at the end. I'd like to be able to move
8 Item AM up to where Item O was. I think it'll fit there
9 because then we're getting into a whole bunch of 1066's.

10 Would you be okay with that?

11 DEPUTY DIRECTOR SCHIAVO: Sure.

12 CHAIRPERSON JONES: Okay. Whoever put that
13 request, we'll put you after Marin County.

14 So is that all right, members? No problem?

15 Good.

16 All right. Item G.

17 DEPUTY DIRECTOR SCHIAVO: Okay. Item G is
18 consideration of the amended Nondisposal Facility Element
19 for the city of San Diego, San Diego County.

20 And Kaoru Cruz will make this presentation.

21 MS. CRUZ: Good morning, Chairman and Committee
22 Members.

23 The city of San Diego has amended their
24 Nondisposal Facility Element by describing the composting
25 activity at Miramir Wholesale Nursery, a new facility to

1 be located within the city of San Diego.

2 The regional agency has submitted all required --
3 I'm sorry. The city has submitted all the required
4 documentation. And the Board staff, therefore, recommends
5 approval of the city's amended NDFE.

6 That concludes my presentation. Are there any
7 questions?

8 CHAIRPERSON JONES: Any questions?

9 And thank you for working on this. I got a call
10 urgently that they needed this done so this guy could stay
11 in business.

12 Mr. Medina.

13 COMMITTEE MEMBER MEDINA: I'd like to move
14 Resolution 2002-668, consideration of the amended
15 Nondisposal Facility Element for the city of San Diego,
16 San Diego County.

17 BOARD MEMBER CANNELLA: Second.

18 CHAIRPERSON JONES: We've got a motion by Mr.
19 Medina, second by Mr. Cannella.

20 Substitute the previous roll?

21 On consent?

22 Thank you, members.

23 Item H.

24 DEPUTY DIRECTOR SCHIAVO: This is consideration
25 of the amended Nondisposal Facility Element for the county

1 Los Angeles unincorporated area, Los Angeles County.

2 And Steve Uselton will make this presentation.

3 MR. USELTON: Good morning, Chairman and
4 Committee Members.

5 The county of Los Angeles unincorporated area has
6 amended its NDFE by identifying and describing the Santa
7 Clarita Composting Facility a proposed facility.

8 This is the first amendment to the county's
9 Nondisposal Facility Element. And the county has
10 submitted all required documentation. And Board staff,
11 therefore, recommends approval of the county of Los
12 Angeles' amended NDFE.

13 That concludes my presentation.

14 CHAIRPERSON JONES: Thank you.

15 Mr. Medina.

16 COMMITTEE MEMBER MEDINA: Thank you, Chair Jones.

17 At this time I'd like to move resolution
18 2002-669, consideration of the amended Nondisposal
19 Facility Element for the unincorporated area of Los
20 Angeles County.

21 COMMITTEE MEMBER CANNELLA: Second.

22 CHAIRPERSON JONES: I've got a motion by Mr.
23 Medina, a second by Mr. Cannella.

24 Substitute the previous roll?

25 On consent?

1 Thank you, members.

2 Item I.

3 DEPUTY DIRECTOR SCHIAVO: Item I is consideration
4 of the 1999-2000 biennial review findings for the city of
5 Anaheim, Orange County.

6 And Maria Kakutani will make this presentation.

7 MS. KAKUTANI: Good morning, Committee Members.

8 This city of Anaheim's diversion rate for 1999 is
9 49 percent and for 2000 is 50 percent.

10 Staff analyzed the historic diversion rate trend,
11 which has been trending upward near 50 percent in the last
12 five years, and conducted a program verification site
13 visit in 1999.

14 Some of the major programs that have been
15 implemented include residential curbside and green waste
16 collection, commercial on-site collection including
17 diversion programs at Disney, and a materials recovery
18 facility.

19 Based on the Board-adopted process of January
20 2002 that would allow a jurisdiction to claim a deduction
21 in disposal tonnage for C&D waste generated within it's
22 boundaries, staff has deducted 52,028 tons from the
23 disposal tonnage for 2000, which increased a diversion
24 rate for the city from 44 percent to 50 percent.

25 Staff has determined the city of Anaheim has met

1 their program implementation and diversion requirements.

2 A representative from the city is present to
3 answer questions.

4 This concludes my presentation.

5 CHAIRPERSON JONES: Any questions?

6 Before I turn it over to Mr. Medina, the 52
7 percent -- or 52,000 tons or whatever of inert, that was
8 after almost 80 percent of the construction of both
9 highway -- and I think it was out at Disneyland, right,
10 the rebuilding of Disneyland -- 80 percent of that
11 material have been diverted. And it was that 20 percent
12 that ended up going to a C&D or an inert site that created
13 the problem. So it wasn't like they didn't do anything.
14 And it was actually at the direction of this Board to --
15 things that you don't control when it hits you like that
16 and you're doing a good job of trying to divert, you need
17 to get some relief. That's why this came forward. And I
18 just wanted to clear that up on the record. That wasn't
19 just a free pass. You guys do a great job. And Alden
20 gets a little crazy every time that we start messing with
21 his city. So he -- he definitely fights for them. And
22 that's a good thing.

23 So I just want to clear that up for everybody,
24 that 80 percent was recycled. This stuff was out of their
25 control and they would have gotten nicked pretty hard for

1 something that they had done everything right on.

2 So with that, Mr. Medina.

3 COMMITTEE MEMBER MEDINA: Thank you, Chair Jones.

4 At this time I'd like to move Resolution 2002-670
5 revised, consideration of the '99-2000 biennial review
6 findings for the Source Reduction and Recycling Element
7 and Household Hazardous Waste Element for the city of
8 Anaheim, Orange County.

9 BOARD MEMBER CANNELLA: Second.

10 CHAIRPERSON JONES: Thank you, Mr. Medina.

11 I've got a motion by Mr. Medina, a second by Mr.
12 Cannella.

13 Substitute the previous roll?

14 On consent?

15 Thank you, members.

16 COMMITTEE MEMBER MEDINA: And as a Giants fan,
17 it's hard to move ahead.

18 (Laughter.)

19 CHAIRPERSON JONES: The worst part, you are
20 being -- yeah, there's two of us -- you know, there's two
21 of us from San Francisco here, you know.

22 BOARD MEMBER CANNELLA: Well, the Giants are
23 recycling.

24 (Laughter.)

25 CHAIRPERSON JONES: Yeah, I had to be in Lakewood

1 that first night and listen to all that stuff.

2 All right. Item J.

3 DEPUTY DIRECTOR SCHIAVO: Okay, item J. This is
4 consideration of the 1999-2000 biennial review findings
5 for the Del Norte Solid Waste Management Authority.

6 And Jill Simmons will make this presentation.

7 MS. SIMMONS: Good morning, Chairman Jones and
8 Committee Members.

9 The Del Norte Solid Waste Management Authority's
10 diversion rate for 1999 is 45 percent and for 2000 is 46
11 percent.

12 Staff analyzed the program implementation and
13 historic diversion rate trend in which the authority has
14 consistently achieved a diversion rate of 40 percent or
15 higher over the last six measurement years. During two of
16 the measurement years the diversion rate surpassed the
17 50-percent goal.

18 Some of the major programs implemented include
19 commercial on-site collection of recyclables, school and
20 government recycling programs, providing convenient
21 drop-off locations and conducting numerous special
22 collection events, adopting the nation's first zero waste
23 plan, partnering with Humboldt County to develop a rural
24 cooperative tool kit to help other interested
25 jurisdictions implement diversion programs cooperatively.

1 Therefore, staff recommends the Board find that
2 the authority has made a good-faith effort in meeting the
3 diversion requirements.

4 Board staff are present to answer any questions.
5 This concludes my presentation.

6 CHAIRPERSON JONES: Any questions of staff?

7 Mr. Medina.

8 COMMITTEE MEMBER MEDINA: Thank you, Chair Jones.

9 At this time I'd like to move Resolution
10 2002-671, consideration of the '99-2000 biennial review
11 findings for the Source Reduction and Recycling Element
12 and Household Hazardous Waste Element for the Del Norte
13 Solid Waste Management Authority.

14 BOARD MEMBER CANNELLA: Second.

15 CHAIRPERSON JONES: Got a motion by Mr. Medina, a
16 second by Mr. Cannella.

17 Substitute the previous roll?

18 And put it on consent.

19 Thank you.

20 Item K.

21 DEPUTY DIRECTOR SCHIAVO: This is consideration
22 of the 1999-2000 biennial review findings for the city of
23 Montclair, San Bernardino County.

24 And Rebecca Brown will speak.

25 MS. BROWN: Good morning, Chairman Jones and

1 Committee Members.

2 The city of Montclair's diversion rate for 1999
3 is 38 percent and for 2000 is 45 percent.

4 To determine the level of program implementation
5 staff analyzed the historic diversion rate trend, which
6 has been increasing, and conducted a program verification
7 site visit in 2001.

8 Some of the major programs that have been
9 implemented include residential curbside collection,
10 including manually collected unlimited green waste;
11 commercial on-site commercial and commercial select
12 routes; local government facility and school source
13 reduction and recycling programs; and construction and
14 demolition diversion, including reduced tipping fees for
15 clean demolition boxes.

16 Staff recommends that the Board find that
17 Montclair has made a good-faith effort in meeting
18 diversion requirements.

19 Unfortunately, Donna Jones, a representative, has
20 been ill, so she's not here. But Paul Ryan is available
21 to answer any questions.

22 This concludes my presentation. Thank you.

23 CHAIRPERSON JONES: Any questions, members?

24 COMMITTEE MEMBER MEDINA: No questions.

25 CHAIRPERSON JONES: Mr. Medina.

1 COMMITTEE MEMBER MEDINA: Thank you, Chair Jones.

2 At this time I'd like to move Resolution
3 2002-672, consideration of the '99-2000 biennial review
4 findings for the Source Reduction and Recycling Element
5 and Household Hazardous Waste Element for the city of
6 Montclair, San Bernardino County.

7 BOARD MEMBER CANNELLA: Second.

8 CHAIRPERSON JONES: We've got a motion by Mr.
9 Medina, a second by Mr. Cannella.

10 Substitute the previous roll?

11 On consent?

12 Thank you, members.

13 Item L.

14 DEPUTY DIRECTOR SCHIAVO: This is consideration
15 of the 1999-2000 biennial review findings for the Marin
16 County Hazardous and Solid Waste Management Authority.

17 And Eric Bissinger will make this presentation.

18 MR. BISSINGER: Staff conducted a 1999 and 2000
19 biennial review for the Marin County Hazardous and Solid
20 Waste Management Authority and found that Marin is
21 adequately implementing programs and has achieved a 1999
22 diversion rate of 58 percent and a 2000 diversion rate of
23 71 percent. That includes 10 percent from biomass based
24 from this 1999 and 2000 generation studies.

25 Board staff determined that the generation

1 studies are adequately documented.

2 Also staff review indicates that Marin has
3 submitted documentation showing it meets the statutory
4 conditions for claiming biomass diversion credit and that
5 sludge is being diverted in a manner that protects the
6 public health, safety and the environment.

7 For these reasons staff is recommending approval
8 of the 1999 and 2000 biennial review finding for the
9 agency, its sludge diversion petition as well as biomass
10 diversion claim.

11 That concludes my presentation.

12 Representatives from the authority are present
13 for any questions.

14 CHAIRPERSON JONES: We've got two speakers on
15 this item.

16 And just for a little history, Byron Sher started
17 designing AB 939. He did it after a tour of Marin County
18 and Joe Garbarino's operations. And he has said that in
19 speeches up and down -- all over the world, that that was
20 really why he -- or what led him to think about doing this
21 program this way.

22 Go up there and look at the pigs and the sheep
23 and the lambs and everything else -- everything that can't
24 be recycled, it's all getting recycled.

25 We got two speakers, Patty Garbarino and Jeff

1 Rawles. And I'll let you determine who goes first, if you
2 guys want to speak at all.

3 MR. RAWLES: Good morning. My name's Jeff

4 Rawles. I'm manager of the Marin County Hazardous and
5 Solid Waste Joint Powers Authority.

6 We are a regional agency and we represent all the
7 cities, the haulers and the facilities in the County of
8 Marin. It's a very cooperative thing. These programs are
9 all very popular in Marin County.

10 And I just wanted to thank your staff. Eric
11 Bissinger came down and personally toured our facilities.
12 And 71 percent is really good news to bring home.

13 Thank you.

14 CHAIRPERSON JONES: You bet.

15 Questions?

16 Thank you.

17 CHAIRPERSON JONES: Ms. Garbarino.

18 MS. GARBARINO: My name is Patty Garbarino. I'm
19 president of Marin Sanitary Service. And I'm sorry my dad
20 isn't here because actually he's the one that did all the
21 work. I just got to drive up.

22 I want to thank you for the opportunity to speak.
23 I'll be very brief. But I want to give credit where
24 credit is due.

25 First of all, we have an exceptional LEA staff,

1 and thankfully they're both here today, Jeff Rawles and
2 Michael Frost. And as Jeff mentioned, we've got a great
3 working relationship. It's a wonderful partnership.

4 I want to tell you a little story. In the early
5 '70's a group of environmentalists made a magnificent
6 marriage. And I don't know that it's been replicated in
7 the state. And I only wish that it could for other
8 communities. That marriage was between the environmental
9 community and the garbage haulers. And that's what gave
10 us the 71 percent today.

11 On Sunday I had the unfortunate honor to give a
12 little talk at a friend's funeral. On the way to do that,
13 I went through our classroom and found a poster, thank
14 God, that stated this facility, Marin Recycling, was the
15 creation, the idea, of the environmentalists in the '70's
16 that some day Marin County would divert 70 percent of its
17 waste from going to the landfill. So four days before her
18 funeral, Gloria Duncan's funeral, the woman who called
19 herself the queen of garbage and the woman who made that
20 marriage, I was able to say to that group of people that
21 on this day, you, the Waste Board, would be adopting our
22 71 percent recycling rate.

23 So I had to say that in her honor.

24 And I thank you once again.

25 CHAIRPERSON JONES: Thanks, Patty. We appreciate

1 it. We really do appreciate the efforts that go on there.

2 Mr. Medina.

3 COMMITTEE MEMBER MEDINA: Thank you, Chair Jones.

4 With that I'd like to move Resolution 2002-673,
5 consideration of the '99-2000 biennial review findings for
6 the Source Reduction and Recycling Element and Household
7 Hazardous Waste Element for the Marin County Hazardous and
8 Solid Waste Management Authority.

9 BOARD MEMBER CANNELLA: Second.

10 CHAIRPERSON JONES: And a second by Mr. Cannella.

11 We've got a motion by Mr. Medina, a second by Mr.
12 Cannella.

13 Substitute the previous roll?

14 On consent?

15 Thank you, members.

16 Just so the public out there knows that we're not
17 just whizzing through this so we don't care. We got an
18 incredible amount of information. Our staff has us well
19 prepped. And that's the good part about the Committee,
20 because where we do see a problem, we take the time --
21 take a lot of time to try to get to the bottom of it. But
22 our staff's done a good job. And all of you have an
23 opportunity to talk on an item. Don't feel like you're
24 getting rushed.

25 But I do like efficiency, as do the other

1 members.

2 All right. We are going to now hear Item AM,
3 which we slotted here, which is the city of Compton.

4 DEPUTY DIRECTOR SCHIAVO: Yeah, this is
5 consideration of a request to change the base year to 1999
6 for the previously approved Source Reduction and Recycling
7 Element for the city of Compton, Los Angeles County.

8 And Kaoru Cruz will make the presentation.

9 MS. CRUZ: On September 21st --

10 CHAIRPERSON JONES: Hang on just half a second,
11 please. You can go in a minute.

12 AM would be Board Item number 38, for everybody
13 out there looking, because I had to figure it out.

14 All right.

15 MS. CRUZ: Okay.

16 CHAIRPERSON JONES: You're good to go.

17 MS. CRUZ: On September 21st, 1999, the city of
18 Compton was issued a compliance order requiring the city
19 to correct diversion rate inaccuracies.

20 The city completed and submitted a new waste
21 generation study with the intent of establishing a more
22 recent and more accurate base year. The city originally
23 submitted a new base-year change with a diversion rate of
24 17 percent for 1999.

25 As part of base-year study review, Board staff

1 conducted a detailed site visit. Board staff's proposed
2 changes can be seen in their entirety in Attachment 3.

3 Additionally, the city used statistical methods
4 to extrapolate the nonresidential diversion from a sample
5 of businesses within the city. Contracted statisticians
6 along with Board staff reviewed extrapolation methodology,
7 and it was determined that the sampling methodology used
8 in the extrapolation did not meet statistical
9 requirements. Therefore, Board staff recommend that the
10 additional diversion from extrapolation not be allowed in
11 the new base-year request.

12 With these changes the city's diversion rate for
13 1999 would be 12 percent.

14 One of the requirements of the city's compliance
15 order is that the city document it's progress in meeting
16 that 25-percent diversion requirement and demonstrate
17 progress in meeting the 50-percent diversion requirements
18 in the year 2000.

19 Based on this information, Board staff is
20 recommending Option 2 of the agenda item, which would
21 approve the Board staff revised base-year change
22 recommendation and direct staff to work with the city to
23 develop an assistance plan.

24 Representatives from the city are present to
25 answer any questions.

1 This concludes my presentation. Thank you.

2 CHAIRPERSON JONES: Okay. We have one speaker,
3 but I have one question.

4 The extrapolated method, if it would have been
5 accepted, would have brought it to 17 percent?

6 MS. CRUZ: Correct.

7 CHAIRPERSON JONES: Okay. So were there at 12.

8 Okay. I have one speaker, Councilwoman Delores
9 Zurita.

10 No?

11 Oh, I'm sorry, I'm sorry.

12 Okay. Staff from the city care to speak?

13 MS. BRADFORD: Good morning, Chairman Jones and
14 the rest of the Board members.

15 CHAIRPERSON JONES: Could you identify yourself
16 please.

17 MS. BRADFORD: Kareemah Bradford, Contract
18 Administrator for the city of Compton.

19 We are implementing programs. We're making a
20 hundred percent effort to comply with the guidelines.
21 Since 1999 we have implemented a curbside three-barrel
22 automated cart system, green waste commingle recyclables.
23 We're in the process -- we have a draft C&D recycling
24 ordinance up for approval in the next three weeks. We
25 also have a buy-recycled board that's up for approval.

1 I'll be working with Steve Uselton to get some technical
2 assistance on some more public education. And on November
3 23rd we are having an education symposium for the city,
4 for the public on increasing the diversion through
5 curbside recycling and green waste.

6 So we appreciate your allowing us to extend --
7 change our base year to 1999.

8 CHAIRPERSON JONES: Great. And, you know, I know
9 our staff will help you. And if you need extra help, give
10 us a call, you know.

11 And thanks for coming up. We appreciate that you
12 did very much.

13 All right. Mr. Medina.

14 COMMITTEE MEMBER MEDINA: Okay. Adopting Option
15 number 2, I'd like at this time to move Resolution
16 2002-696, consideration of a request to change the base
17 year to 1999 for the previously approved Source Reduction
18 and Recycling Element for the city of Compton, Los Angeles
19 County.

20 BOARD MEMBER CANNELLA: Second.

21 CHAIRPERSON JONES: We've got a motion by Mr.
22 Medina, a second by Mr. Cannella.

23 Substitute the previous roll?

24 Put it on consent?

25 Thank you, members.

1 Item number P.

2 DEPUTY DIRECTOR SCHIAVO: This is consideration
3 of a petition for reduction for the diversion requirements
4 for the Sierra County Regional Agency.

5 And Natalie Lee will make this presentation.

6 MS. LEE: Good morning, Chairman Jones and
7 Committee Members.

8 The item before you is consideration of a
9 petition for a rural reduction submitted by the Sierra
10 County Regional Agency. The agency is eligible to make
11 this request since it has been determined by Board staff
12 that they meet the statutory definition of rural.

13 However, the application submitted lacks
14 sufficient information for staff to make a complete
15 evaluation or recommendation for the Board's consideration
16 regarding the request for a reduced goal.

17 The agency achieved a 29-percent diversion rate
18 in 1999 and a 13-percent diversion rate in the year 2000.

19 The current petition for a rural reduction
20 requests a 26.6 percent reduced diversion goal.

21 Agency representatives met with Board staff this
22 week to discuss the level of program implementation and
23 identify areas for additional or expanded program
24 development.

25 Agency representatives are also investigating the

1 use of a generation-based calculation to assess diversion
2 measurement more accurately and consistently than the
3 adjustment calculation provides.

4 The Regional Council of Rural Counties
5 Environmental Services Joint Powers Authority will also be
6 working with the agency to evaluate their program
7 implementation and help them to complete additional
8 paperwork.

9 Board staff has determined that the agency is
10 eligible for a rural reduction and that this is the most
11 appropriate avenue for the agency to follow for compliance
12 with diversion mandates.

13 However, staff does need additional information
14 regarding the request and program implementation to make a
15 recommendation for the Board. Therefore, staff is
16 recommending that the current application for a rural
17 reduction be denied and that the agency be allowed 30 days
18 to resubmit the application.

19 Representatives from the agency were unable to
20 make the trip today. There are Regional Council of Rural
21 Counties staff available to answer questions or make a
22 presentation.

23 This concludes my presentation.

24 CHAIRPERSON JONES: Okay. Great.

25 We have one speaker, Larry Sweetser from the

1 RCRC.

2 We've got -- how many people? Is it like
3 thirty-five hundred?

4 MR. SWEETSER: Population?

5 CHAIRPERSON JONES: Yeah, thirty-five hundred
6 people or something. Yeah.

7 Okay. Larry Sweetser, go ahead.

8 MR. SWEETSER: Larry Sweetser on behalf of the
9 Rural Counties Environmental Services Joint Powers
10 Authority.

11 Jim Hemminger really wanted to be here today, but
12 he's stuck upstairs discussing burn barrels with the Air
13 Board. So he volunteered me to do this.

14 Sierra County is one our members. And the ESJPA
15 was recently asked to assist them with this effort.

16 So, first off, we really did want to thank staff,
17 especially Natalie and Kyle. They've been very supportive
18 of working with Sierra County on this effort. And what
19 we're going to do is work with them the best we can. They
20 couldn't be here today. And as you are alluding to,
21 Sierra County is about as rural as you can get in
22 California. So they will need some help with that. So
23 we're going to basically just promise to do the best we
24 can to work with them on that.

25 CHAIRPERSON JONES: Okay. So you support Option

1 2 completely?

2 MR. SWEETSER: We support 30 days timeframe.

3 That's not a lot of time, but we'll see what we can do to
4 come up with some -- identify the problems and come up
5 with some solutions.

6 CHAIRPERSON JONES: Good.

7 Any questions?

8 Mr. Cannella.

9 BOARD MEMBER CANNELLA: Just a brief question.

10 In the 30 days what will take place? What is the
11 30-day extension for? And what staff people are going to
12 work with the agency to develop the figures? Just give me
13 an example of what the 30-day extension would accomplish.

14 MS. LEE: Following our meeting Tuesday, what --
15 the goals we outlined in the next 30 days were to take the
16 information they have submitted and add some additional
17 program information, update their program code and
18 narrative descriptions for us to show us the current state
19 of all programs implementation, and also to look at the
20 calculation method. We feel that a generation-based
21 calculation is achievable for them. Of course we are
22 asking them to go back a couple years for data, which
23 could be a challenge in 30 days.

24 But we feel it would give a more accurate number.
25 They are very strongly affected by the adjustment -- by

1 fluctuations in the adjustment factors. So they're going
2 to reevaluate those numbers and try to develop an
3 application that asks -- right now they're asking for a
4 26.6 percent reduction. But they are only at 13 percent
5 on the default calculation. So we're asking them to take
6 some time to evaluate numbers and come up with a more
7 accurate request.

8 BOARD MEMBER CANNELLA: And what kind of
9 assistance do you provide for them?

10 MS. LEE: We've suggested alternate adjustment
11 factors that they could use if they continue to use the
12 adjustment-based methodology.

13 We have also identified for them sources of
14 information that they need to go collect to do a
15 generation-based analysis. We feel that that's
16 achievable. But they need to contact those sources and
17 see if they do have '99 or 2000 data to at least as a
18 comparison to make sure that the alternate adjustment
19 factors give them a more accurate figure.

20 BOARD MEMBER CANNELLA: Thank you.

21 CHAIRPERSON JONES: Can I ask one question, Mr.
22 Medina, before the motion?

23 You know, following up on what Mr. Cannella says.
24 Is 30 days really enough, or is 60 days more appropriate
25 to get it done?

1 MS. LEE: I would say with the recent and -- you
2 know, within 48 hours here they've met with us, they've
3 talked to our RCRC staff, and they really do want to make
4 the best attempt to look at the generation figures and
5 meet with their haulers. It may be more realistic to ask
6 for 60 days at this time with the involvement of new
7 parties.

8 CHAIRPERSON JONES: Okay. Would the members have
9 a problem with 60 days? I think that's what you were
10 going after --

11 BOARD MEMBER CANNELLA: Yeah, that's what I was
12 really asking, to find out if 30 days was adequate or not.
13 We don't want to force anybody up under the gun. If a
14 little bit more time is available for them and they can do
15 a better job, I think we ought to allow that.

16 CHAIRPERSON JONES: You good with that?

17 COMMITTEE MEMBER MEDINA: I think 60 days is more
18 appropriate.

19 And so I'm going to move that we adopt Option 2,
20 whereby the Board disapproves Sierra County Regional
21 Agency's PFR and allows the jurisdiction to revise and
22 resubmit their petition and update program information
23 within 60 days. And with that, I'll move Resolution
24 2002-677, consideration of petition for a rural reduction
25 of the diversion requirements for the Sierra County

1 Regional Agency.

2 BOARD MEMBER CANNELLA: Second.

3 CHAIRPERSON JONES: Thank you.

4 I've got a motion by Mr. Medina, a second by Mr.
5 Cannella.

6 Substitute the previous roll?

7 On consent?

8 Thank you, members.

9 Thank you.

10 Item Q.

11 DEPUTY DIRECTOR SCHIAVO: This is consideration
12 of a petition for a rural reduction for the diversion
13 requirements for the city of McFarland, Kern County.

14 And Nikki Mizwinski will make this presentation.

15 MS. MIZWINSKI: Good morning, Board Members.

16 The city of McFarland has submitted to the Board
17 an incomplete rural petition for reduction. They are
18 requesting a reduced diversion rate of 34 percent.

19 Staff's analysis of the city's request indicates
20 that the application does not provide enough information
21 for the Board to adequately justify its request for a PFR.
22 And we recommend disapproving the request, but providing
23 the jurisdiction the opportunity to revise and submit an
24 incomplete -- a complete application within 30 days of the
25 Board meeting.

1 That concludes my presentation.

2 I would be happy to answer questions.

3 CHAIRPERSON JONES: Is this another one where 30
4 days is enough, or do we need to give them a little more
5 time?

6 MS. MIZWINSKI: I don't think we need to give
7 them 60 days.

8 CHAIRPERSON JONES: Okay. Are they here?

9 MS. MIZWINSKI: I think 30 days will be
10 sufficient.

11 CHAIRPERSON JONES: Are they here?

12 MS. MIZWINSKI: No, they chose not to make the
13 trip.

14 CHAIRPERSON JONES: Did they support the
15 recommendation?

16 MS. MIZWINSKI: Yes.

17 CHAIRPERSON JONES: Cool. Okay.

18 Mr. Medina.

19 COMMITTEE MEMBER MEDINA: Thank you, Chair Jones.

20 With that we will go with Option 3, disapproving
21 the city of McFarland's PFR submitted, and allowing that
22 city to submit a revised PFR application within 30 days.

23 With that I'll move Resolution 2002-678,
24 consideration of a petition for a rural reduction of the
25 diversion requirements for the city of McFarland, Kern

1 County.

2 BOARD MEMBER CANNELLA: Second.

3 CHAIRPERSON JONES: I've got a motion by Mr.

4 Medina, a second by Mr. Cannella.

5 Substitute the previous roll?

6 And on consent?

7 Thank you, members.

8 Let me just ask a question before we're --

9 because we're getting ready to get into a bunch of
10 1066's.

11 You okay, or you want to take -- you all right?

12 Good.

13 Okay. Let's keep rockin' and rollin'.

14 DEPUTY DIRECTOR SCHIAVO: Item R is consideration
15 of the application for an SB 1066 time extension by the
16 city of Fairfield, Solano County.

17 And Nikki will also make this presentation.

18 MS. MIZWINSKI: This city of Fairfield has
19 requested a time extension through December 31st, 2003.
20 The city needs a time extension to allow the new
21 franchised hauler to implement and expand the programs
22 identified in their plan of correction. This includes a
23 new C&D recycling ordinance. Once the new and expanded
24 programs are implemented, it will take additional time for
25 the programs to reach full operational effectiveness.

1 They will also need time to monitor programs and determine
2 whether the adjustments are necessary and to fine-tune
3 their programs.

4 The city anticipates a 20-percent increase in
5 diversion, although they currently only need 4 percent
6 more to reach the 50-percent goal.

7 Board staff have determined that the information
8 submitted in the application is adequately documented and
9 is recommending that the Board approve the city's time
10 extension request, with the inclusion of outreach and
11 public education programs to promote the new and expanded
12 programs identified in their plan of correction.

13 This concludes my presentation.

14 A representative from the city is available to
15 answer any questions.

16 CHAIRPERSON JONES: Any questions, members?

17 Mr. Medina.

18 COMMITTEE MEMBER MEDINA: I'm going to move that
19 we adopt Option 3, approving the city's application as
20 submitted. Would also make recommendations for the
21 implementation of alternative programs that the
22 jurisdiction should add to its plan for it to be
23 successful.

24 And with that I'll move Resolution 2002-679,
25 consideration of the application for an SB 1066 time

1 extension by the city of Fairfield, Solano County.

2 BOARD MEMBER CANNELLA: Second.

3 CHAIRPERSON JONES: We've got a motion by Mr.
4 Medina, a second by Mr. Cannella.

5 We'll substitute the previous roll?

6 On consent?

7 Thank you, members.

8 Item S.

9 DEPUTY DIRECTOR SCHIAVO: This is consideration
10 of the application for an SB 1066 alternative diversion
11 requirement for the city of Clearlake, Lake County.

12 And Jill Simmons will make this presentation.

13 MS. SIMMONS: Good morning, Chairman Jones and
14 Committee Members.

15 The city of Clearlake, Lake County, has requested
16 an alternative diversion requirement, or ADR, of 47
17 percent through October 2004.

18 The city has requested an alternative diversion
19 requirement in lieu of a time extension because the city
20 believes that despite its good-faith efforts, it will be
21 unable to meet the 50-percent goal. The city has been
22 having difficulty reaching a 50-percent diversion rate
23 because:

24 Mandatory disposal service is not a political
25 option since residents and local decisionmakers feel quite

1 strongly about having the right to self-haul materials;

2 Markets for recyclables are distant, increasing
3 the transportation costs and time involved in accessing
4 viable and available processors;

5 Low or no income for recyclables makes recycling
6 more difficult, more expensive, and less attractive to
7 individuals and haulers;

8 Mandatory disposal service is not practical for
9 the rural low-income area that also includes the highest
10 retirement age percentage in the state;

11 The rural character of the county makes
12 collection and disposal of refuse and recyclables much
13 more difficult and expensive.

14 The specific reasons why the city is requesting
15 the ADR are as follows:

16 Even though the city of Clearlake has implemented
17 all of their SRRE-selected programs, including four
18 alternative programs, and they recently conducted a new
19 base-year study, these efforts have not resulted in a
20 50-percent diversion rate.

21 The city recently entered into a revised contract
22 with the waste hauler that will implement single-stream
23 recycling and automated services beginning November 1st,
24 2002. In order to allow for the time necessary to fully
25 implement the programs listed in the city's plan of

1 correction and then to allow for the time necessary to
2 evaluate the impact program expansion should have on the
3 city's diversion rate, the city is requesting until
4 October 31st, 2004.

5 Board staff has determined that the information
6 submitted within the application is adequately documented.
7 Based on this information Board staff is recommending that
8 the board approve the alternative diversion requirement of
9 47 percent as requested by the city.

10 Board staff are present to answer any questions.

11 This concludes my presentation.

12 CHAIRPERSON JONES: Any questions?

13 I just have one, Mr. Schiavo.

14 Pat, when you and Mr. Leary and Dan Eaton and I
15 were on our road show, and I think we ended up in Petaluma
16 or Santa Rosa or somewhere, wasn't it the city of
17 Clearlake that was there -- it may not have been, but
18 wasn't it the city of Clearlake that was testifying that
19 part of their problem was issues with the county or vice
20 versa? I mean -- do you remember?

21 DEPUTY DIRECTOR SCHIAVO: Yeah, I remember we had
22 discussions, but I can't remember if it was Clearlake --

23 CHAIRPERSON JONES: But was it the city of
24 Clearlake? Take a look and see. I mean I have no problem
25 with this extension, but I'd like to know a little more

1 because I remember that one of those, and I thought it was
2 Clearlake --

3 DEPUTY DIRECTOR SCHIAVO: Was it?

4 CHAIRPERSON JONES: Yeah, I think so.

5 Really, there were a lot of things. But the city
6 of Clearlake needed to do some things too. It wasn't all
7 county. City of Clearlake needed to do some things that
8 -- we were hearing why they couldn't. We didn't hear
9 anybody saying how they might be able to.

10 So we ought to rack our brain a little bit and
11 see if we're -- and I'll talk to Dan Eaton when he gets
12 back and see if he can remember. But it seemed to me like
13 there was an awful lot of discussion that day about this.

14 Okay. Sorry for that rant.

15 Mr. Medina.

16 COMMITTEE MEMBER MEDINA: We're going to go with
17 Option 1, approving the city's application as submitted.

18 Therefore, I move Resolution 2002-680,
19 consideration of the application for SB 1066, alternative
20 diversion requirement by the city of Clearlake, Lake
21 County.

22 BOARD MEMBER CANNELLA: Second.

23 CHAIRPERSON JONES: We got a motion by Mr.
24 Medina, a second by Mr. Cannella.

25 Substitute the previous roll?

1 On consent?

2 Thank you, members.

3 Item number T, city of Eureka.

4 DEPUTY DIRECTOR SCHIAVO: This is consideration
5 of an application for an SB 1066 time extension by the
6 city of Eureka.

7 And Jill will make this presentation.

8 MS. SIMMONS: The city of Eureka has requested an
9 extension through December 31st, 2004. The specific
10 reasons the city needs a time extension are as follows:

11 With the recent formation of a regional waste
12 management authority, the city was finally able to expand
13 recycling and reuse programs in 2002. The city is asking
14 for a time extension because they need more time to assess
15 the full impact these expansion efforts will have on
16 diversion. Also the authority is greatly interested in
17 developing a regional compost facility. However, these
18 facilities are typically expensive and the site selection
19 can often be contentious.

20 It is anticipated that the development will take
21 until the end of 2004. The city anticipates an 18 percent
22 increase.

23 In addition, Board staff has requested that the
24 Board approve one additional program to be added to the
25 plan of correction. The program is further described in

1 the agenda item, and it includes having the city expand
2 their existing construction and demolition program to
3 target private contractors.

4 Board staff has determined that the information
5 submitted in the application is adequately documented.
6 Based on this information, Board staff is recommending
7 that the Board approve the city's time extension request.

8 This concludes my presentation. Board staff are
9 available to answer any questions.

10 CHAIRPERSON JONES: Okay. Members, questions?

11 Mr. Medina.

12 COMMITTEE MEMBER MEDINA: Thank you, Chair Jones.

13 Going to move Resolution 2002-681, approval of the
14 application for a 1066 time extension by the city of
15 Eureka, Humboldt County.

16 BOARD MEMBER CANNELLA: Second.

17 CHAIRPERSON JONES: Thank you.

18 We have a motion by Mr. Medina, a second by Mr.
19 Cannella.

20 We'll substitute the previous roll?

21 And put it on consent?

22 Thank you.

23 Item U.

24 DEPUTY DIRECTOR SCHIAVO: This is consideration
25 of the application for an SB 1066 time extension and

1 consideration of the 1997-'98 biennial review findings for
2 the unincorporated County of Mendocino.

3 And Jill will also make this presentation.

4 MS. SIMMONS: The unincorporated area of
5 Mendocino County has requested an extension through
6 December 31st, 2004. The specific reasons the city needs
7 a time extension are as follows:

8 Mendocino County is a remote rural area with a
9 small dispersed population. The unincorporated county has
10 had a legacy of small local haulers, with low market
11 penetration, and inadequate financial resources to support
12 recycling.

13 It has taken most of a decade for the industry to
14 progress so that it can fully support the ambitious
15 recycling programs listed in the county's proposed plan of
16 correction.

17 The already high cost of trash pickup in low
18 density areas has made it difficult to subsidize new
19 recycling services; and, therefore, haulers have in some
20 instances levied a separate charge for commercial
21 recycling, which has been a disincentive. Renegotiated
22 franchise contracts will address all of these barriers.

23 The county anticipates a 29-percent increase.

24 Board staff has determined that the information
25 submitted in the application is adequately documented.

1 Based on this information Board staff is recommending that
2 the Board approve the county's time extension request.

3 This concludes my presentation.

4 And a representative from the county is available
5 to answer any questions.

6 CHAIRPERSON JONES: I have one -- any member have
7 a question? I just got one quick one, and for the
8 representative of the county.

9 You got some incredible resorts and destination
10 places in Mendocino County along the water. It seems to
11 me that some of them have recycling programs that I've
12 stayed in.

13 Has there been an effort to get that throughout,
14 you know, the whole area, I mean Fort Bragg and then down,
15 you know, on the tip? I mean it would seem to me that
16 you've got a clientele that's coming into that
17 jurisdiction that probably recycles in their hometowns a
18 lot. And I'm just wondering if you're taking advantage of
19 that.

20 MR. KAYLER: Yes, we are, sir.

21 CHAIRPERSON JONES: Could you identify yourself.

22 MR. KAYLER: Oh, my name is Paul Kayler. I'm the
23 Solid Waste Manager for the County of Mendocino.

24 You'll find that around the Fort Bragg and the
25 tourist areas that there are recycling programs

1 implemented. In fact, in the incorporated area of the
2 city of Fort Bragg they have achieved their 50-percent
3 diversion goal.

4 I think Jill stated it quite well, though. When
5 you visit those tourist destinations, those are just a
6 small part of our very, very large county. I think we're
7 the fifth largest county in the state, with about 80 -- a
8 little over 85,000 people, most of those people living in
9 the incorporated cities.

10 Providing recycling service in locations such as
11 Covelo is quite a different matter.

12 The development that has happened recently
13 though, that I informed Jill of, is -- one of the
14 struggles within the county has been for quite some time
15 whether we should move forward with a procurement process
16 for solid waste franchising, which would have to wait till
17 2006 because of the current expiration dates of the
18 franchise agreements, or move forward with a negotiated
19 process where we could eliminate the commercial recycling
20 fees that Jill spoke of and move forward with
21 single-stream recycling throughout the county using
22 curbside carts.

23 The Board of Supervisors on October 1st took --
24 made direction to amend our solid waste ordinance in the
25 county and move forward with negotiations with the

1 existing haulers.

2 So we are hopeful that by 2004 we'll be able to
3 come back and say that we've implemented the programs.

4 And we focused on three primary programs:
5 Elimination of commercial recycling fees; implementation
6 of single-stream recycling; and rural -- yard-waste
7 collection in suburban density areas. Not the rural
8 areas, because in rural areas you'll find that most people
9 have large acreage where they can either compost on their
10 own or have other means of disposing of their yard waste.

11 CHAIRPERSON JONES: That's great.

12 MR. KAYLER: If you have any other questions, I'd
13 be happy to answer them.

14 CHAIRPERSON JONES: Do you get credit when DEA
15 goes in there and gets all the plants? I mean is there
16 some -- I'm only kidding.

17 BOARD MEMBER CANNELLA: Different type of
18 diversion program.

19 MR. KAYLER: But thank you very much, Sir.

20 CHAIRPERSON JONES: Thank you very much.

21 Mr. Medina.

22 COMMITTEE MEMBER MEDINA: Thank you, Chair Jones.

23 I'd like to move Resolution 2002-682, approval of
24 the application for a 1066 time extension and
25 consideration of the 1997-1998 biennial review findings

1 for the Source Reduction and Recycling Element and
2 Household Hazardous Waste Element for the unincorporated
3 County of Mendocino.

4 BOARD MEMBER CANNELLA: Second.

5 CHAIRPERSON JONES: We've go a motion by Mr.
6 Medina, a second by Mr. Cannella.

7 Substitute the previous roll?

8 And put on it consent?

9 Thank you members.

10 Next.

11 DEPUTY DIRECTOR SCHIAVO: Item V is consideration
12 of the application for an SB 1066 time extension by the
13 city of Oroville, Butte County.

14 And Kyle Pogue will make this presentation.

15 MR. POGUE: Good morning.

16 The city of Oroville has requested an extension
17 through December 31st, 2004. The specific reasons the
18 city needs a time extension are as follows:

19 The materials recovery facility in Oroville is
20 currently limited in the amount of materials it can divert
21 and needs enhancement. The loss of construction and
22 demolition waste to landfill necessitates increased
23 enforcement of a local requirement that this material must
24 be processed at the MRF. Oroville schools have not been
25 participating in diversion programs, but plan to in the

1 future.

2 The city anticipates a 9-percent increase in its
3 diversion rate.

4 Board staff determined that the information
5 submitted in the application is adequately documented and
6 is recommending that the Board approve the time extension
7 request for the city.

8 Several representatives from the city and also
9 from the waste service provider are here, if you have any
10 questions.

11 Thank you.

12 CHAIRPERSON JONES: Any questions?

13 Mr Medina.

14 COMMITTEE MEMBER MEDINA: Thank you, Chair Jones.

15 I'd like to move Resolution 2002-683, approval of
16 the application for a 1066 time extension for the city of
17 Oroville, Butte County.

18 BOARD MEMBER CANNELLA: Second.

19 CHAIRPERSON JONES: We've got a motion by Mr.
20 Medina, a second by Mr. Cannella.

21 Substitute the previous roll?

22 On consent?

23 Okay. We're going to take a break so you can all
24 take a breath for about -- we'll come back at a quarter
25 to. Does that work?

1 (Thereupon a brief recess was taken.)

2 CHAIRPERSON JONES: Okay. If everybody could
3 find their seats, we will get this going.

4 Any ex partes?

5 Mr. Cannella.

6 BOARD MEMBER CANNELLA: None to report.

7 CHAIRPERSON JONES: Mr. Medina.

8 COMMITTEE MEMBER MEDINA: None to report.

9 CHAIRPERSON JONES: Okay. And I only had one,
10 and it's with the two gentlemen from Tustin that -- I
11 don't know their names, but we were talking about this
12 meeting and their appreciation of our discussion, our
13 first item. And I appreciate that, because that's the
14 audience we're looking to.

15 Go ahead, Mr. Schiavo. You are on Item number W.

16 DEPUTY DIRECTOR SCHIAVO: No, Y. Aren't we at Y?

17 CHAIRPERSON JONES: Sorry, Pat. You're on W.

18 BOARD MEMBER CANNELLA: Item 22.

19 CHAIRPERSON JONES: Item 22.

20 DEPUTY DIRECTOR SCHIAVO: Yeah, okay. My
21 numbering's a little different here.

22 CHAIRPERSON JONES: That work for you?

23 Well, it would be Item Y in here, but we'll go W.

24 This is consideration of the application for an
25 SB 1066 time extension by the city of Tustin, Orange

1 County.

2 And Melissa Vargas will make this presentation.

3 MS. VARGAS: Good morning, Chairman Jones and
4 Committee Members.

5 The city of Tustin has requested an extension
6 through December 31st of 2003.

7 The specific reasons the city needs a time
8 extension are as follows:

9 In July of 2001 the city implemented a new
10 residential curbside and green waste program. The city
11 will be implementing a new commercial on-site pickup and
12 green waste program. The city will develop and implement
13 new requirements for city-issued C&D projects and require
14 the submittal and city approval of recycling plans for all
15 discretionary private development projects.

16 The city will increase the amount of material
17 sent to the Long Beach facility in order to augment
18 additional diversion as needed.

19 The city anticipates a 21 percent increase.

20 Board staff has determined that the information
21 submitted in the application is adequately documented and
22 is recommending that the Board approve the city's time
23 extension request.

24 This concludes my presentation.

25 Representatives for the city are available to

1 answer your questions.

2 Thank you.

3 CHAIRPERSON JONES: Any questions from the
4 members?

5 I appreciate that the public works director and
6 staff are here to hear this.

7 Mr. Medina.

8 COMMITTEE MEMBER MEDINA: Thank you, Chair Jones.

9 With that I'd like to move Resolution 2002-684,
10 approval of the application for a 1066 time extension by
11 the city of Tustin, Orange County.

12 BOARD MEMBER CANNELLA: Second.

13 CHAIRPERSON JONES: We got a motion by Mr.
14 Medina, a second by Mr. Cannella.

15 Could you just call the roll so we can
16 reestablish after the break.

17 SECRETARY BAKULICH: Cannella?

18 BOARD MEMBER CANNELLA: Aye.

19 SECRETARY BAKULICH: Medina?

20 COMMITTEE MEMBER MEDINA: Aye.

21 SECRETARY BAKULICH: Jones?

22 CHAIRPERSON JONES: Aye.

23 On consent, members?

24 Thank you.

25 Item X, which is city of Pacifica.

1 DEPUTY DIRECTOR SCHIAVO: This is consideration
2 of the application for an SB 1066 time extension by the
3 city of Pacifica, San Mateo County.

4 And Keir Furey will make this presentation.

5 MR. FUREY: Good morning, Chairman Jones and
6 Committee Members.

7 The city of Pacifica has submitted a request for
8 a time extension through December 31st, 2003.

9 The city needs this time extension because
10 outreach and education needed to obtain the projected
11 diversion for the programs in the plan of correction will
12 require time to implement, and it must be reinforced to be
13 successful.

14 In addition, environmental review, public
15 participation, permitting, and construction process of the
16 materials recovery facility will require the entire period
17 requested in the time extension.

18 The city anticipates a 29-percent increase in its
19 diversion rate.

20 Board staff has determined that the information
21 submitted in the application has been adequately
22 documented, and is also recommending the following two
23 additional programs:

24 An outreach program to inform and educate the
25 public of the city's existing and expanded programs and

1 the completion of a new base-year study.

2 Based on this information Board staff is
3 recommending that the Board approve the time extension
4 requested for the city.

5 A representative from the city is present to
6 answer any questions.

7 This concludes my presentation.

8 CHAIRPERSON JONES: Any questions?

9 I do know, having lived in Pacifica for 16 years
10 in back -- in Pacifica, that they have always done some
11 programs. So I think that your attacking on the education
12 stuff probably makes a lot of sense.

13 Mr. Medina.

14 COMMITTEE MEMBER MEDINA: Thank you, Chair Jones.

15 With that I'd like to move Resolution 2002-685,
16 approval of the application for a 1066 time extension
17 through December 31, '03, for the city of Pacifica, San
18 Mateo County.

19 BOARD MEMBER CANNELLA: Second.

20 CHAIRPERSON JONES: Got a motion by --

21 BOARD MEMBER CANNELLA: Just a question.

22 They recommend Option 3 in the motion. Is that
23 what the motion is?

24 CHAIRPERSON JONES: Yeah.

25 Okay. So we have a motion by Mr. Medina, which

1 is Option 3, a second by Mr. Cannella.

2 Substitute the previous roll?

3 On consent?

4 Thank you, members.

5 Item Y, city of Monrovia.

6 DEPUTY DIRECTOR SCHIAVO: Okay. We would like to
7 combine Items Y through AD, or 24 through 29 in your Board
8 packet.

9 And these are consideration of the application
10 for SB 1066 time extensions for the cities of Monrovia,
11 Hermosa Beach, Manhattan Beach, La Habra Heights,
12 Lawndale, and the city of South Gate, all in Los Angeles
13 County.

14 And Steve Uselton will make these presentations.

15 MR. USELTON: Good morning, Committee Members.

16 The cities of Monrovia, Hermosa Beach, Manhattan
17 Beach, La Habra Heights, Lawndale, and South Gate within
18 Los Angeles County have requested an extension.

19 In the case of Monrovia the extension is through
20 December 31st of 2003; Manhattan Beach, through December
21 31 of 2003; Hermosa Beach, through July 31st, 2004; La
22 Habra Heights, through July 31st, 2004; Lawndale, through
23 December 31, 2004; and South Gate, through December 31st,
24 2004.

25 The reason that these jurisdictions need time

1 extensions are as follows: In the case of Monrovia, a
2 multi-family source-separated recycling program did not
3 achieve city objectives for diverting materials. And the
4 time extension will allow the city to implement plans to
5 route half of the waste from this sector to a
6 waste-to-energy facility. They will also be enhancing
7 public education materials for their single-family
8 resident program.

9 The city is also working to move accounts from
10 under-performing commercial haulers to commercial haulers
11 that are actively diverting materials within the city.

12 A C&D ordinance will also be developed to divert
13 at least 50 percent of the waste from larger C&D projects
14 within the city.

15 For Hermosa Beach, the city will automate and
16 expand the residential curbside collection container from
17 16 to 33 gallons. And the city will also require its
18 commercial hauler to route all waste through a material
19 recovery facility.

20 Additional outreach to the city's largest
21 commercial generators will be conducted to encourage
22 source reduction and source-separated recycling programs.

23 In the case of Manhattan Beach, beginning in
24 October the city expanded its residential curbside
25 recycling program and green waste collection program from

1 14 gallon crates to 34 or 64 gallon automated carts for
2 single-family residents, and a 64-gallon automated cart
3 for multi-family residents up to 9 units.

4 Sixty-four gallon carts are also made available
5 to commercial businesses at no additional service charge.
6 And improvements are being planned for government and
7 school recycling programs to capture beverage containers.

8 There's been enhancement of public education
9 programs that were also detailed in the application
10 submitted by the city.

11 For La Habra Heights, the city is changing the
12 structure of its open system for haulers by developing a
13 nonexclusive franchise for two waste haulers. The city
14 believes that this will improve its control of the system
15 and will result in better diversion and service quality.

16 The franchise haulers will provide at a minimum a
17 64-gallon container for green waste and a 64-gallon
18 container for recycling to residents.

19 The city will also enhance diversion at the two
20 businesses located within the city, a golf course and a
21 nursery.

22 The affluent nature of the housing in this
23 community also results in frequent large residential
24 construction projects. So the city is preparing an
25 ordinance which will require building permit applicants to

1 meet a 50-percent diversion requirement of construction
2 wastes or face financial penalties.

3 In the case of Lawndale, the city's residential
4 collection program will be expanded from an 18-gallon
5 crate to a 64-gallon automated container for recycling and
6 another one for green waste.

7 And They'll be reducing refuse pick up from twice
8 a week to once a week. This will obviously augment the
9 program.

10 The city will institute a hauler fee for
11 commercial haulers that will be used to see new commercial
12 diversion programs, to target multi-family diversion, as
13 well as other commercial diversion opportunities.

14 A new ordinance will be introduced in the city to
15 require all commercial haulers to offer recycling services
16 or team with third-party recyclers to increase commercial
17 diversion. And waste-to-energy facilities will be
18 incorporated into the city's plan as needed in order to
19 achieve diversion goals.

20 The city of South Gate, their residential
21 recycling program will be expanded from an 18-gallon crate
22 to a 64-gallon automated system.

23 Green waste collection, although planned in the
24 city's SRRE, or their Source Reduction and Recycling
25 Element, was determined by the city to not provide

1 sufficient quantities of green waste to justify
2 expenditure on the program. Instead the city will focus
3 additional effort on technical assistance to the city's
4 larger commercial generators and increase the number of
5 source reduction and recycling programs in this sector.

6 A C&D ordinance will also be established that
7 will require projects over a thousand square feet to
8 divert 50 percent of their construction waste. And the
9 city exclusive commercial hauler will provide diversion
10 services for the C&D material, and use of these services
11 will be encouraged.

12 Penalties for under-performance will be levied
13 on -- I'm not sure if that levies on the applicant or if
14 it's on the hauler. But there will be penalties set by
15 the city.

16 Waste-to-energy routing will be incorporated in
17 the city's plan of correction as needed in order to
18 achieve diversion requirements.

19 The programs listed in the jurisdictions' plan of
20 correction and the respective anticipated percent increase
21 in diversion rates are provided in the table included in
22 each jurisdiction's respective agenda item.

23 Board staff has determined that the information
24 submitted in all the applicants is adequately documented.
25 And based on this information, Board staff is recommending

1 that the board approve the time extension requests for
2 these jurisdictions.

3 Representatives from each of the jurisdictions
4 are available to answer questions.

5 That concludes my presentation.

6 CHAIRPERSON JONES: Thank you.

7 And I appreciate it, because they're all so
8 similar, that you put them all in as one, which was what
9 our Committee had asked. So I appreciate that, Steve.

10 We have one speaker, Mr. Joe Comstock from the
11 city of South Gate.

12 And if any of the other cities that were
13 identified need to speak, let me know.

14 MR. COMSTOCK: Mr. Chairman and Members of the
15 Committee.

16 I just want to point out that many of the things
17 that we talk about doing, we have already implemented. We
18 changed our contractor in January of this year. And the
19 new contractor is extremely interested in reaching these
20 goals. And I'm confident we will reach them.

21 CHAIRPERSON JONES: Great.

22 Any questions.

23 Your name is Joe Comstock from the city of South
24 Gate?

25 MR. COMSTOCK: Yes.

1 CHAIRPERSON JONES: Great. We appreciate it.

2 All right. Members, any questions?

3 Anybody out there?

4 Okay. Mr. Medina.

5 COMMITTEE MEMBER MEDINA: Before I proceed I just
6 want to make one correction on one of the resolutions, and
7 that's item AA, the city of Manhattan Beach, Los Angeles
8 County. That resolution should be Resolution 688 rather
9 than Resolution 689.

10 CHAIRPERSON JONES: You've got two 8-9's? We
11 just figured out --

12 COMMITTEE MEMBER MEDINA: So with that I would
13 like to move approval of the applications for 1066 time
14 extensions for the cities of Monrovia, Los Angeles County,
15 and that's Resolution 2002-686; city of Hermosa Beach, Los
16 Angeles County, Resolution 2006-687; Resolution 2002-688
17 for the city of Manhattan Beach; Resolution 2002-689, time
18 extension for the city of La Habra Heights, Los Angeles
19 County; Resolution 2002-690, time extension for the city
20 of Lawndale, Los Angeles County; Resolution 2002-691, time
21 extension for the city of South Gate, Los Angeles County.

22 CHAIRPERSON JONES: Thank you, Mr. Medina.

23 BOARD MEMBER CANNELLA: Second.

24 CHAIRPERSON JONES: We have a second.

25 We've got a motion -- we've got a lot of motions

1 by Mr. Medina, we've got seconds by Mr. Cannella.

2 Substitute the previous rolls?

3 And put them on consent?

4 Thank you, members.

5 We are on Item AE, city of Firebaugh.

6 DEPUTY DIRECTOR SCHIAVO: The next four items are
7 consideration of applications for SB 1066 time extensions
8 for the city of Firebaugh, Mendota, Huron, and Kerman, all
9 in Fresno County. However, they are each a little bit
10 unique.

11 And Cedar Kehoe is going to make a presentation
12 regarding each of these.

13 MS. KEHOE: Item AE. The city of Firebaugh is
14 requesting a time extension through December 31st of 2004.
15 The city needs a time extension because it is a very low
16 income community in the San Joaquin Valley with an
17 unemployment rate of more than 14 percent. The city has
18 few staff resources to address solid waste issues and has
19 no local expertise to assist them.

20 The city was dependent upon the county to provide
21 solid waste recycling infrastructure for the area.
22 However, that did not materialize. As such, the city
23 council has struggled with utility rate increases to
24 provide for the implementation of curbside recycling.
25 Having recently raised those rates to implement green

1 waste collection in earlier years was difficult.

2 The city anticipates an 8-percent increase in its
3 diversion rate.

4 Board staff has determined that the information
5 submitted in the application is adequately documented and
6 is recommending that the Board approve the time extension
7 requested by the city.

8 This concludes this presentation.

9 CHAIRPERSON JONES: And now just for those people
10 that are in the audience, we're going to have a whole
11 series that did depend on Fresno County. Fresno County
12 just got put on a compliance order last month by this
13 Board to do some programs. So you just need to know. For
14 those of you that are from this city, we -- believe me,
15 this Board understands the situations you're in, and we're
16 hoping that these extensions will get you there.

17 Mr. Cannella.

18 BOARD MEMBER CANNELLA: Just a question, I guess.

19 I'm familiar with Firebaugh. And the area is
20 impacted, it has been for a number of years. They can't
21 hire folks. I'm just curious. And this is my first,
22 probably -- maybe my last meeting on this Committee, but I
23 have to ask the question anyway.

24 Are there any programs that we have that would
25 give direct grants to places like Firebaugh to comply with

1 the provisions of 939? I understand we give them
2 technical expertise and we review documents and stuff for
3 them. But without direct help in hiring somebody, an
4 expert locally to direct these diversion programs or to
5 oversee programs, they're never going to get to the
6 mandate. And I don't know that we have that or not, but
7 it seems to me that there are areas throughout
8 California -- not a whole lot, thankfully -- but a number
9 of areas that are impacted that seem to me would benefit
10 by a program that we would provide grants for folks to
11 hire local folks to implement programs that would allow
12 them to achieve diversion rates.

13 And so I guess my question is, do we have that?

14 MS. KEHOE: I can give you a couple of examples.

15 In the city of Selma, which is similar, it's also
16 in the Fresno area, they were very clever and they hired a
17 Vista volunteer. That Vista volunteer's been with them
18 for the last year. They now have an extension for a
19 second year.

20 Many of the other small rural areas in Fresno are
21 going to try to do that approach because it is federally
22 funded. Because of the MOU that they had had, money has
23 been going into the county and hasn't been going back to
24 those cities directly for programs. And a lot of the
25 cities are now reevaluating how the infrastructure's going

1 to work financially as well as operationally. It dates
2 back to the original SRRE's and those original MOU's that
3 were drafted. But they're working forward to resolve some
4 of those funding issues.

5 BOARD MEMBER CANNELLA: Okay. Well, it was just
6 the thought that -- like I say, I'm familiar with
7 Firebaugh. And it seems to me that outside of getting
8 volunteers -- and, you know, volunteers usually just last
9 for a while, that's not a way of life for them -- that
10 they're going to have a continual problem trying to
11 administer a program and achieve any successful diversion
12 program at all.

13 CHAIRPERSON JONES: But the Selma Vista
14 volunteer -- I actually -- I don't know if it's the same
15 one, but I had to do an event there -- that's completely
16 funded by the federal government or part of it's the city?

17 MS. KEHOE: That is actually -- in their case,
18 completely federally funded. There were five Vista
19 volunteers that the city of Selma retained. One of those
20 was for solid waste only. The other four did other
21 issues. The way that the Vista volunteers work is they go
22 in groups, in a sense.

23 So one of the things they're looking at now is to
24 figure out if they can get Vista volunteers sort of --
25 maybe a couple for the city, a couple for the county.

1 You're absolutely right. The regional agencies
2 need some help. They need a lot of help. And so this is
3 one of the approaches they're looking at to see if that
4 can help with some of their staffing issues.

5 CHAIRPERSON JONES: Let me ask a follow-up
6 question, because I know the frustration. And the
7 question is good that Mr. Cannella is asking. We just
8 don't have -- we've never been able to have the money to
9 go out and help provide these things, unfortunately.

10 But we do have contracts with the Conservation
11 Corps, with CCC, on oil education and some things like
12 that. You know, we may want to look at, not so much
13 the -- you know, they've got different levels of expertise
14 I think as they're training people, they go through that
15 program.

16 MS. KEHOE: Actually one of the cities we'll
17 speak to today has one of those programs. Mendota is an
18 example.

19 CHAIRPERSON JONES: Working on these solid waste
20 issues?

21 MS. KEHOE: Yeah, they have -- that's who pays
22 for their curbside program currently.

23 CHAIRPERSON JONES: Okay. But I think we ought
24 to -- I think it's a good point that Mr. Cannella brings
25 up. But we ought to look at, you know, maybe some

1 flexibility with the CCC on some things. Who knows. I
2 mean, you know, there may -- you know, the Vista and that,
3 because if they don't have a Vista volunteer, do these
4 cities have somebody that has other duties that are also
5 assigned these duties?

6 MS. KEHOE: To be honest with you, these are four
7 examples of cities that have no additional staffing,
8 absolutely no resources, and no expertise.

9 CHAIRPERSON JONES: So who are you working with?

10 MS. KEHOE: Actually I work with somebody usually
11 has many hats. He's usually the city manager, he's
12 usually the guy in charge with the water department. He's
13 doing everything and doesn't have the foggiest idea what
14 the solid waste issues really are about. So we're working
15 to get him or her on board.

16 In one case, Mendota's an example, they've had
17 seven city managers in the last two years.

18 CHAIRPERSON JONES: Now, our staff can provide --
19 I mean we do have a local assistance. So rather than just
20 going down and doing the audits and suggesting programs,
21 in some of these regions are we able to provide a little
22 more expertise, a little more help?

23 DEPUTY DIRECTOR SCHIAVO: Yeah, we do, depending
24 on the circumstance. And in this particular circumstance,
25 yeah, Cedar's been spending a lot of time down --

1 BOARD MEMBER CANNELLA: Do we have a broker
2 assistance for places like Selma and for Firebaugh where
3 we have other municipalities that have the expertise, to
4 try and get them to assist implementing these programs in
5 places like Firebaugh or Selma?

6 DEPUTY DIRECTOR SCHIAVO: Kind of like a peer
7 match --

8 BOARD MEMBER CANNELLA: Something.

9 DEPUTY DIRECTOR SCHIAVO: Yeah. No, we
10 haven't --

11 BOARD MEMBER CANNELLA: I don't want to try and
12 invent anything here today. But it just seem to me that
13 it's real obvious that we have some places that are never
14 going to get there because they don't have the resources.
15 And if we can find a way to help them, either by working
16 with the local agencies that have, you know, the
17 expertise, to have them loan out to these different
18 locations to assist them in developing, overseeing,
19 monitoring, whatever has to be done, I think that
20 certainly would be a valuable way for us to assist those
21 folks, instead of just going down there and saying you're
22 in noncompliance and this is what you need to do. "How am
23 I going to do that? I don't have anybody."

24 CHAIRPERSON JONES: Is that something you guys
25 can explore a little bit and maybe come back to us with

1 some ideas?

2 DEPUTY DIRECTOR SCHIAVO: Sure.

3 CHAIRPERSON JONES: Because I think that makes
4 sense.

5 The sad part is, these jurisdictions relied on
6 the county, you know. And it would be nice to know how
7 much dough they all stuck into that thing. But I guess
8 that's not our business, but -- maybe that's not the right
9 question. Although I know I responded to an awful lot of
10 RFP's and spent an awful lot of time looking for land down
11 there to build programs that never got built. So I have a
12 little experience waste in time, effort and money.

13 Okay. Any other questions on this?

14 Mr. Medina.

15 COMMITTEE MEMBER MEDINA: Thank you, Chair Jones.

16 With that I'd like to move 1066 time extensions
17 for the cities of Firebaugh, and that's Resolution
18 2002-692; 1066 time extension for the city of Mendota,
19 Fresno County, 2002-693 --

20 DEPUTY DIRECTOR SCHIAVO: Not yet.

21 MS. KEHOE: Just one.

22 DEPUTY DIRECTOR SCHIAVO: We have some --

23 CHAIRPERSON JONES: Oh, you just want to do it
24 one at a time?

25 MS. KEHOE: Yeah, I'll do it one at -- they're

1 all different.

2 CHAIRPERSON JONES: Okay. So 691 -- no, wait --
3 692, motion by Mr. Medina.

4 BOARD MEMBER CANNELLA: Second.

5 CHAIRPERSON JONES: Second by Mr. Cannella on
6 Firebaugh's time extension, 2002-692.

7 Substitute the previous roll?

8 On consent?

9 Okay. Cedar.

10 Item AF.

11 MS. KEHOE: The city of Mendota is requesting a
12 extension to the due date for achieving the 50-percent
13 diversion until June 30th of 2004. Staff analysis of the
14 city's request indicated that the current application did
15 not meet the needs of the city.

16 Based upon staff's discussion with the city, the
17 city had requested time to resubmit an application that
18 would allow for the time needed to complete a request for
19 proposal, an RFP process, for a new franchise agreement
20 and a revised time link that would be linked with the RFP
21 process.

22 Thus, staff is recommending disapproving the
23 application, but providing the jurisdiction an opportunity
24 to revise and resubmit its application within 30 days.

25 I'd like to add, that the city of Mendota just

1 got a \$5 million expense in 2001 for a water contamination
2 problem. They have some serious financial issues in the
3 city. So beyond 30 days would be great.

4 CHAIRPERSON JONES: Okay. Is there anybody here
5 from --

6 MS. KEHOE: No, they're not here today.

7 CHAIRPERSON JONES: Okay. So would it make more
8 sense -- what makes sense time-wise? Ninety days?

9 MS. KEHOE: In Mendota, yeah, 90 days.

10 CHAIRPERSON JONES: Are you going to be able --
11 well, I won't ask you. You're not the boss.

12 I'll ask you.

13 We used to work together when she was a boss.

14 She wasn't my boss, but...

15 If we take 90 days, will there be the opportunity
16 to do some outreach to help them, do you think?

17 DEPUTY DIRECTOR SCHIAVO: That's up to -- I mean
18 90 days would definitely help. I don't know what the
19 magic amount of days is, 60, 90.

20 CHAIRPERSON JONES: What would you prefer?

21 Ninety -- I mean --

22 DEPUTY DIRECTOR SCHIAVO: Cedar wants 90 --

23 MS. KEHOE: Well, I know what they need.

24 CHAIRPERSON JONES: What do they need?

25 MS. KEHOE: They need to have assistance writing

1 their RFP, and they have asked me to do that. I have
2 provided them two examples of previously constructed ones.
3 I believe we can get that RFP process done in that time
4 period.

5 CHAIRPERSON JONES: In 90 days.

6 MS. KEHOE: Then we know what they can really
7 achieve once they get there.

8 CHAIRPERSON JONES: Okay.

9 MS. KEHOE: So I know what they need to do, and I
10 think that timeframe's reasonable.

11 CHAIRPERSON JONES: All right. Does that work
12 for the members? Ninety days?

13 BOARD MEMBER CANNELLA: Sure.

14 CHAIRPERSON JONES: So the -- well, that's okay.
15 Mr. Medina will change it.

16 Thanks.

17 COMMITTEE MEMBER MEDINA: Okay. We're moving
18 with -- we're going with Option number 5, disapproving the
19 city's application, allowing the jurisdiction 90 days to
20 revise and resubmit the application, based upon the
21 Board's specified reasons for disapproval.

22 And with that I'll move Resolution 2002-693,
23 approval of the application for a 1066 time extension by
24 the city of Mendota, Fresno County.

25 BOARD MEMBER CANNELLA: Second.

1 CHAIRPERSON JONES: Thank you, Mr. Medina.

2 We've got a motion by Mr. Medina, a second by Mr.
3 Cannella.

4 Substitute the previous roll?

5 On consent?

6 Thank you, members.

7 Item AG, city of Huron.

8 MS. KEHOE: The city of Huron has requested an
9 alternative diversion requirement of 27 percent through
10 December 31st, 2004.

11 The city has requested an alternative diversion
12 requirement in lieu of a time extension because the city
13 believes that despite its good-faith efforts, it will be
14 unable to meet a 50-percent goal.

15 The city of Huron has been having difficulties
16 reading the 50-percent goal because it is a small rural
17 economically challenged community with a history of
18 misallocation of disposal tonnage, which has been
19 contributing to a wide range in variation, with diversion
20 rates as high as 52 percent and as low as 1 percent
21 without any changes in any program implementation.

22 The city of Huron is requesting the alternative
23 diversion requirement because it recognizes that it had an
24 inferior level of recycling services being provided from
25 its prior hauler, and has contracted with a new recycling

1 and solid waste contractor as of March of 2001.

2 The new recycling contractor will be expected to
3 implement programs identified in their SRRE.

4 Board staff has determined that the information
5 submitted within the application is adequately documented
6 and is recommending that the Board approve the alternative
7 diversion requirement of 27 percent as requested by the
8 city.

9 That concludes this presentation.

10 CHAIRPERSON JONES: Thank you.

11 Any questions, members?

12 Mr. Cannella, was this your old -- I mean was in
13 your district, Huron?

14 BOARD MEMBER CANNELLA: No.

15 CHAIRPERSON JONES: Mr. Medina.

16 COMMITTEE MEMBER MEDINA: Thank you Chair Jones.

17 We're going with Option 3 on this, approving the
18 city's application as submitted, with recommendations for
19 the implementation of alternative programs that the
20 jurisdiction should add to its plan.

21 And with that I will move Resolution 2002-694,
22 approving the application for a 1066 alternative diversion
23 requirement for the city of Huron, Fresno County.

24 BOARD MEMBER CANNELLA: Second.

25 CHAIRPERSON JONES: We got a motion by Mr.

1 Medina, a second by Mr. Cannella.

2 We'll substitute the previous roll?

3 And put it on consent?

4 Thank you, members.

5 Item number AH.

6 MS. KEHOE: The city of Kerman has submitted an
7 application requesting an alternative diversion
8 requirement of 38 percent through December 2005. However,
9 Board staff analysis of the city's request indicates that
10 application does not provide significant information for
11 the Board to adequately justify its SB 1066 request for an
12 alternative diversion requirement.

13 The application's goal achievement plan does not
14 adequately demonstrate how it will meet the diversion
15 requirements. Specifically, the jurisdiction has not
16 provided the specific program description detail to enable
17 staff the fully understand current or proposed program
18 diversion estimates.

19 Programs targeting the commercial sector have not
20 been addressed, as well as addressing specific barriers to
21 program implementation.

22 Therefore, Board staff is recommending the city
23 reevaluate the anticipated diversion programs and
24 diversion rates expected for each new and expanded program
25 and consider including additional commercial programs

1 which may achieve a higher than 38-percent diversion goal.

2 As such, staff also recommends disapproving the
3 request, but providing the jurisdiction the opportunity to
4 revise and resubmit its application within the 30-day time
5 period.

6 That concludes this presentation.

7 CHAIRPERSON JONES: Questions?

8 Mr. Cannella.

9 BOARD MEMBER CANNELLA: Yeah. Whose
10 responsibility was it to fill out the paperwork? Does
11 the city do it? Do they contract with an outside source
12 to supply the information?

13 MS. KEHOE: The whole area down there signed an
14 MOU, a memorandum of understanding, with the county.
15 Under that MOU the county provided fraud-based education
16 regarding recycling, household hazardous waste, and a
17 consultant to do annual reports.

18 The annual reports that came in, however, just
19 the first section of the annual report was done by the
20 consultant. The time extension or the alternative
21 diversion requirement the consultant said was not a part
22 of their tasks. That caused some confusion. Then the
23 cities took this on and wrote these applications, either
24 their hauler wrote them or the cities themselves wrote
25 them, and submitted them.

1 BOARD MEMBER CANNELLA: And the reason for not
2 providing the accurate information is going to be resolved
3 in 30 days? Do they have to start all over again because
4 they had misinformation from the haulers -- the
5 consultants?

6 MS. KEHOE: The city of Kerman is particularly
7 impacted with a tonnage allocation problem they have
8 American Avenue. It relates directly to the county,
9 because the county controls that information. So
10 information between the two parties has been in error for
11 a number of years. And they've been just pointing
12 fingers, in a sense. That problem is identified. So
13 Kerman understands their tonnage numbers are very skewed.
14 So it's been hard for them to get a grip on what programs
15 they really need, what they've really got happening down
16 there, because their numbers don't necessarily reflect
17 what they're doing.

18 Identifying that and telling them that they were
19 responsible was part of what happened this year. They now
20 understand that they are responsible for their city's
21 diversion rates and they can't just say it's the county's
22 responsibility. They have all been told, "This is your
23 responsibility." That change of responsibility has really
24 only occurred recently for them. And now they understand
25 what they need to do and they're moving forward.

1 BOARD MEMBER CANNELLA: Okay. Thank you.

2 CHAIRPERSON JONES: A Follow-up question to that.

3 Is it unincorporated county tonnage that's going
4 to American that's being assigned to this city, or is
5 it --

6 MS. KEHOE: In the case of Kerman, they have a
7 very wide zip code area. So what's happening -- the way
8 in which the county can record data is very limited. It
9 only has one field. They should have opened up more
10 fields so they could do origin, billing, you know,
11 different addresses. Because they couldn't do that,
12 everything got entered under one field entry. Everything
13 with a zip code in Kerman was attributed to Kerman. So
14 its tonnage has never been accurate.

15 CHAIRPERSON JONES: Okay. And they think they
16 can get -- so they're going to use the 1066 time extension
17 to work on that?

18 MS. KEHOE: The county is aware and under -- part
19 of their compliance order requires that they address the
20 way in which they gather data at their landfill so that
21 they can open up some fields and have more than just one
22 address field. So they'll have a billable address field
23 but an origin address field. And you can ask persons
24 coming in, "Where do you want it billed, but where did it
25 come from?" They could be different answers.

1 CHAIRPERSON JONES: Okay. So part of the
2 compliance order that's -- is it still being negotiated or
3 has it already been completed?

4 MS. KEHOE: No, we're in the needs-assessment
5 stage right now.

6 CHAIRPERSON JONES: All right. Is one of those
7 things to Fresno County that through their DRS system,
8 which you're talking about, that they absolutely take care
9 of those allocations to these cities that are surrounding
10 them? Because I mean that's like throwing salt into a
11 wound. If they relied on them, and now they're getting
12 county tonnage put on them to get them out of compliance,
13 that's two hits with the same bat.

14 MS. KEHOE: In both -- the compliance order it is
15 identified and in each time extension or ADR it is
16 additionally identified as a staff recommendation that the
17 tonnage issues need to be addressed and resolved, because
18 they have been ongoing for many years.

19 CHAIRPERSON JONES: All right. Well, make sure
20 in that one -- I mean I think I'm talking -- I hope I'm
21 talking for the Committee, that when you guys are doing
22 Fresno County, let's make sure that we protect these
23 cities by putting that burden on Fresno County, to make
24 sure that they know as well as they can where that tonnage
25 is. And even if it means taking a couple extra steps,

1 they're going to have to take a couple extra steps. We
2 can't keep letting these cities get beat up on this deal.

3 Is that fair?

4 BOARD MEMBER CANNELLA: Yes.

5 CHAIRPERSON JONES: Okay. That's the direction.

6 All right. Did we do this one yet? See, I start
7 talking, I don't have a clue what I'm doing.

8 Okay. Do we need a motion?

9 COMMITTEE MEMBER MEDINA: Yes.

10 CHAIRPERSON JONES: Okay. Mr. Medina.

11 I'm sorry.

12 COMMITTEE MEMBER MEDINA: We're going with Option
13 5, disapproving the city of Kerman's application and
14 allowing the jurisdiction to revise and resubmit the
15 application within 30 days.

16 And with that I will move Resolution 2002-695,
17 approval of the application for a 1066 alternative
18 diversion requirement by the city of Kerman, Fresno
19 County.

20 BOARD MEMBER CANNELLA: Second.

21 CHAIRPERSON JONES: Thank you.

22 We have a motion by Mr. Medina, a second by Mr.
23 Cannella.

24 Substitute the previous roll?

25 On consent?

1 Thank you, members.

2 Thank you, Cedar.

3 Okay. Item AI.

4 DEPUTY DIRECTOR SCHIAVO: This is consideration
5 of a request to change the base year to 2000 and
6 consideration of the 1999-2000 biennial review findings
7 for the city of West Sacramento, Yolo County.

8 And Carolyn Sullivan will make this presentation.

9 MS. SULLIVAN: Good morning.

10 The city of West Sacramento submitted a request
11 to change its base year from the year 1990 to the year
12 2000. The city originally submitted a new base-year
13 change request with a diversion rate of 55 percent for
14 2000. No extrapolation was used to calculate the
15 diversion.

16 In addition, the city has submitted documentation
17 showing it meets the statutory conditions for claiming
18 sludge diversion credit in 2000.

19 As part of the base-year-study review, Board
20 staff conducted a detailed site visit. Board staff
21 proposed changes can be seen in their entirety in
22 Attachment 3.

23 As part of the verification site visit process,
24 city staff identified additional materials handlers with
25 significant quantifiable recycling tonnage. Staff from

1 the Board and the city discussed the basis for adding
2 tonnage from these businesses to the base-year calculation
3 and also reviewed the documentation available. Staff
4 recommends that the tonnage be added to the study.

5 Staff believes the available data adequately
6 documents that the activities meet the criteria for
7 inclusion as diversion representative of a normal year.

8 As shown in the agenda item, the
9 staff-recommended 2000 diversion rate for the city is 64
10 percent.

11 Staff also conducted a review of the city's
12 diversion programs. The city reported that they have
13 successfully implemented source reduction, recycling,
14 composting, and public education programs in order to meet
15 the 50-percent diversion goal.

16 Board staff is recommending Option 2 of the
17 agenda item, which would approve the revised new base year
18 with staff recommendations including the city's petition
19 for sludge diversion credit and accept the 1999-2000
20 biennial review findings.

21 Representatives from the city are here to answer
22 any questions.

23 This concludes my presentation.

24 CHAIRPERSON JONES: Any questions of the members?

25 This is 24,000 tons, almost 25,000 tons between

1 the original submittal and what you guys ended up with.
2 That's good, you know. It's nice to add it instead of
3 always having to subtract it.

4 Most of the programs I saw were C&D, sludge, real
5 stuff. I didn't see 800 pound pallets. Did I miss it?

6 MS. SULLIVAN: No.

7 CHAIRPERSON JONES: Good.

8 Okay. Mr. Medina.

9 COMMITTEE MEMBER MEDINA: Thank you, Chair Jones.

10 We're going with Option 2. And in that regard
11 I'd like to move Resolution 2002-697, approval of a
12 request to change the base year to 2000 for the previously
13 approved Source Reduction and Recycling Element and
14 consideration of the '99-2000 biennial review findings for
15 the Source Reduction and Recycling Element and Household
16 Hazardous Waste Element for the city of West Sacramento,
17 Yolo County.

18 CHAIRPERSON JONES: Thank you, Mr. Medina.

19 And a second.

20 BOARD MEMBER CANNELLA: Second.

21 CHAIRPERSON JONES: I have a motion by Mr.
22 Medina, a second by Mr. Cannella.

23 Substitute the previous roll?

24 On consent?

25 Thank you, members.

1 Next.

2 DEPUTY DIRECTOR SCHIAVO: I would like to combine
3 Items AJ and AK. And these are consideration of request
4 to change the base years to 1999 in consideration of the
5 1999-2000 biennial review findings for the cities of
6 Soledad and Salinas, both in Monterey County.

7 And Susan Sakakihara will make this presentation.

8 CHAIRPERSON JONES: Can I ask a question before
9 that.

10 You're comfortable with combining these two? I
11 mean we had an awful lot of discussion on some neighboring
12 jurisdictions here that created a huge problem. Are you
13 comfortable that the product coming out now is more -- is
14 reasonable?

15 MS. MORGAN: Cara Morgan, Office of Local
16 Assistance.

17 Yeah, I think we are comfortable. What is unique
18 about this compared to the others is the Salinas
19 Authority's staff took what their consultant's -- the
20 consultant's word and reevaluated that work. When they
21 submitted the base-year study to us, it was very
22 different. They themselves scrutinized the diversion
23 activities that were quantified. We then went out with
24 the staff to audit that work, and feel very comfortable
25 with both of these studies and the verifications that were

1 done.

2 And I particularly would like to thank the
3 Authority's staff for the extra work that they took to
4 make sure that the diversion activities were well
5 documented and fell within the reasonableness.

6 CHAIRPERSON JONES: Okay. Because I went over
7 this with a fine-toothed comb. And other than finding the
8 equivalent of 235,000 pallets, you know, it was good.

9 But I wanted to make sure, to combine these two
10 is a huge step.

11 Is this agency staff here?

12 MS. SAKAKIHARA: Yes.

13 You guys over there.

14 Okay. Good job.

15 We're going to hear the item now. Thank you.

16 Go ahead.

17 MS. SAKAKIHARA: Good morning, Board Members.

18 The cities of Soledad and Salinas submitted new
19 base-year change requests with diversion rates of 76
20 percent and 49 percent, respectively.

21 As part of the base-year study review Board staff
22 conducted detailed site visits for both cities. As a
23 result, one deduction was made to Soledad's claimed
24 diversion. With Board staff recommended changes the city
25 of Soledad's rate would be 73 percent for 1999.

1 For Salinas there were deductions as well as
2 additions made to the city's diversion tonnage. The study
3 submitted for Salinas was very close to Board staff
4 recommended changes. And so the submitted diversion rate
5 of 49 percent remained the same as staff recommendation.

6 These changes can be viewed in detail by
7 referring to Attachment 3 of the agenda item packet.

8 As a result of these differences board staff
9 recommends a revised diversion rate of 49 percent for
10 Salinas and 73 percent for Soledad for their 1999 proposed
11 new base years.

12 Board staff has determined that the information
13 is adequately documented in both cases. Based on this
14 information Board staff is recommending approval of the
15 revised new base years with staff recommendations.

16 In addition, the diversion rate for the cities of
17 Salinas and Soledad upon the approval of the 1999 new base
18 years, the diversion rate for Salinas would be 49 percent
19 for 1999 and 53 percent for 2000. Soledad's diversion
20 rates would be 73 percent for 1999 and 67 percent for
21 2000.

22 Staff analyzed the historic diversion rate trend
23 for both cities. In Soledad's case, as previously stated,
24 there was a drop seen from 1999 to 2000 due to the
25 addition of a new prison facility in the area.

1 In Salinas' case their rate has steadily
2 increased from 1999 to 2000.

3 Staff conducted a program verification site visit
4 in 2002 to verify information submitted in the annual
5 reports for both 1999 and 2000.

6 Staff recommends the Board find that both the
7 cities of Salinas and Soledad have successfully
8 implemented their diversion programs and have met their
9 diversion requirements.

10 Representatives from the Salinas Valley Authority
11 are here to respond to any questions.

12 CHAIRPERSON JONES: Any questions, members?

13 Mr. Medina.

14 COMMITTEE MEMBER MEDINA: Thank you, Chair Jones.

15 We're going with Option 2 on both of these. I'd
16 like to move Resolution 2002-698 for the city of Soledad,
17 Monterey County; resolution 2002-699 for the city of
18 Salinas, Monterey county, approving their request to
19 change the base year to 1999 for the previously approved
20 Source Reduction and Recycling Element and consideration
21 of the '99-2000 biennial review findings for the Source
22 Reduction and Recycling Element and Household Hazardous
23 Waste Element.

24 CHAIRPERSON JONES: Thank you, Mr. Medina.

25 BOARD MEMBER CANNELLA: Second.

1 CHAIRPERSON JONES: We've got a motion -- we've
2 got two motions by Mr. Medina, seconds by Mr. Cannella.

3 Substitute the previous roll?

4 On consent?

5 Thank you, members.

6 Thank you. Appreciate it.

7 Item AN.

8 CHAIRPERSON JONES: Is consideration of a request
9 to change the base year to 1999 for the city of Rosemead,
10 Los Angeles County.

11 And Steve Uselton will make this presentation.

12 CHAIRPERSON JONES: Okay. And that would be Item
13 38, because we've already heard -- right, 38? Okay, very
14 good.

15 Or, no, 39.

16 MR. USELTON: The city of Rosemead has submitted
17 a request to change their base year from 1990 to 1999.
18 The city of Rosemead originally submitted a new base year
19 change request with a diversion rate of 29 percent for
20 1999.

21 As part of the base-year review, Board staff
22 conducted a detailed site visit. And changes proposed by
23 Board staff can be seen in their entirety in the
24 Attachment 3 to this item.

25 With these changes we're happy to say that staff

1 recommend also a diversion rate for 1999 of 29 percent.

2 The major programs that the city implemented
3 during 1999 were curbside green waste and recycling
4 collection, commercial diversion, and city government
5 recycling.

6 The city has indicated to Board staff that it
7 will prepare a time extension application. And staff will
8 bring forward this application at a future Board meeting.

9 Board staff is recommending Option 2 of the
10 agenda item, which would approve the revised new base year
11 with staff recommendations.

12 I'd also like to acknowledge an error in the
13 Resolution 2002-701. Staff erroneously indicated the
14 base-year change as being 2000. It should reflect 1999.
15 That's in the second "Whereas," first sentence, and also
16 in the "Now, therefore, be it resolved." We'll make that
17 correction.

18 That concludes my presentation.

19 CHAIRPERSON JONES: Any questions, members?

20 Mr. Medina.

21 COMMITTEE MEMBER MEDINA: Thanks, Chair Jones.

22 With that we're going with Option 2, which is
23 moving forward Resolution 2002-701, approval of a request
24 to change the base year to 1999 for the previously
25 approved Source Reduction and Recycling Element for the

1 city of Rosemead, Los Angeles County, with the appropriate
2 corrections made to 1999 in the "whereas" and "resolved"
3 clauses.

4 CHAIRPERSON JONES: Thank you, Mr. Medina.

5 COMMITTEE MEMBER CANNELLA: Second.

6 CHAIRPERSON JONES: I've got a motion by Mr.
7 Medina, I've got a second by Mr. Cannella.

8 Substitute the previous roll.

9 On consent?

10 Thank you, members.

11 Item number AO.

12 DEPUTY DIRECTOR SCHIAVO: AO, the final item, is
13 consideration of the scope of work to update statewide
14 characterization of disposed waste including rigid plastic
15 packaging container and used oil containers for Fiscal
16 Year 2002-2003. And this was Contract Concept number 18.

17 And Thomas Rudy will make this presentation.

18 (Thereupon an overhead presentation was
19 presented as follows.)

20 MR. RUDY: Mr. Chairman, Members of the
21 Committee. My name is Tom Rudy and I'm with the Waste
22 Analysis Branch.

23 I'd like to give you a brief overview of the
24 proposed scope of work for the 2003-2004 waste
25 characterization and Rigid Plastic Packaging Container

1 Disposal Study.

2 But first I'd like to take a minute and refresh
3 everyone's memory about what a waste characterization
4 study is and why we need to do it.

5 --o0o--

6 MR. RUDY: What is a waste characterization
7 study? It's a determination of what materials are still
8 being disposed in the waste stream. Now, How do we
9 conduct one of those? Well, there's a picture right
10 there.

11 We start by taking samples of waste from garbage
12 trucks and randomly selected disposal facilities or from
13 dumpsters at waste generation sources such as businesses
14 or apartment complexes.

15 Each sample is sorted, using the Board's 57
16 standard material types. Then each material type is
17 weighed, and its percentage of the overall sample is
18 recorded.

19 The process continues until we've collected and
20 sorted a sufficient number of samples to statistically
21 represent the state's disposed waste stream.

22 Then through the magic of statistics we can
23 estimate the types and quantities of materials still being
24 disposed.

25 So why do we want to do this? Well, quite

1 simply, successful market and diversion program
2 development requires knowledge. We need to know what's
3 still in our disposed waste stream in order to develop the
4 programs and policies necessary to increase our diversion
5 and decrease our disposal.

6 So that's a waste characterization study in a
7 nutshell.

8 Now, I'd like to talk about the scope of work for
9 the new study coming up next year.

10 --oOo--

11 MR. RUDY: A little bit of background. Public
12 Resources Code 42300 and its subsequent sections addresses
13 the issues of RPPC's. It defines what constitutes an RPPC
14 and requires manufacturers to comply with specific product
15 content criteria and recycling rates.

16 The Board is tasked with determining and
17 publishing those recycling rates on an annual basis, and
18 waste characterization data is used in the calculations.

19 At its November 2000 meeting, the Board adopted
20 Resolution 2000-465, resolving to conduct a waste
21 characterization study every four years, with the next one
22 to be conducted in year 2003.

23 Board recognized the fact that RPPC recycling
24 rates need to be based upon up-to-date characterization
25 data.

--o0o--

MR. RUDY: FY 2002-2003 Contract Concept 18

addressed the need to collect the RPPC and waste
characterization data to fulfill the Board's requirements.
And it outlined proposed sources of funding for those
tasks.

Finally, the scope of work was also presented at
the October 29th advisor's meeting.

--o0o--

MR. RUDY: A little bit about the funding. At

both the September and October 2002 Board meetings, the
Board approved the funding sources to conduct the RPPC and
waste characterization study in the amount of \$290,000.

The scheme approved is as follows:

Seventy-five thousand dollars would come from the
used oil recycling fund; \$40,000 will come from the
Recycling Market Development Revolving Loan Account; an
additional \$75,000 will come from RPPC Budget Change
Proposal Number 2 from FY 2002-2003; and the remaining
\$100,000 will come from RPPC Budget Change Proposal 3 from
FY 2000-2001.

--o0o--

MR. RUDY: A little bit about the tasks that

we're going to conduct in this scope of work. Sampling is
to be done at 25 randomly selected disposal facilities

1 throughout the state. Ideally these sites will be equally
2 divided among 5 regional areas that closely resemble the
3 areas we use in 1999.

4 Each sample will be sorted according to the
5 Board's standard 57 material types. And additionally
6 separate sub-categories will be included for RPPC's, used
7 oil containers and filters, and electronic waste.

8 --o0o--

9 MR. RUDY: The study will focus on three main
10 sectors and be conducted over four seasons. Our previous
11 study in 1999 was only conducted over two seasons, winter
12 and summer. So we're expanding it on this one.

13 The Sectors we'll concentrate on are the
14 residential sector, the commercial sector, and the
15 self-haul sector.

16 The residential sector will be further broken
17 down into single-family and multi-family sub-sectors. And
18 similarly the self-haul sector will be further subdivided
19 into residential and commercial sub-sectors.

20 Now, it should be noted that in this study the
21 commercial sector will only be sampled at the disposal
22 facility. In 1999 we did actual generation -- generator
23 sampling at the source. But we don't have the funding to
24 do that now.

25 We expect to obtain between 250 and 300 samples

1 for each of the sectors.

2 Also, gate surveys will be conducted at each
3 facility and collecting this data on the sector source and
4 tonnage of waste delivered. This data will be used to
5 estimate the contribution of each sector to the total
6 statewide disposal tonnage.

7 As part of this study we'll also conduct an
8 estimation of the RPPC contamination from food and
9 moisture. This information is important in estimating
10 tonnages of actual RPPC's disposed, which is key in
11 estimating the RPPC recycling rates. The last
12 contamination study was conducted in 1995.

13 --o0o--

14 MR. RUDY: Also in addition to estimating the
15 quantity of used oil containers being disposed, we'd also
16 like to develop a methodology to analyze the extent of
17 used oil contamination in the municipal waste stream.

18 --o0o--

19 MR. RUDY: Now, several statistical analyses will
20 be performed as a result of this study. We're going to
21 collect estimates for the waste composition for each of
22 the three sectors and sub-sectors, as well as overall
23 statewide. We're going to create an estimate of the
24 quantity of RPPC's disposed by each sector and the upper
25 and lower range for statewide tonnage. And this data will

1 be used in computing the annual RPPC recycling rates.

2 --o0o--

3 MR. RUDY: Third, we'll conduct estimates of the
4 RPPC contamination rates, an estimated quantity of used
5 oil containers and filters disposed by each sector and the
6 upper and lower range for statewide tonnage, the estimated
7 percentage in tonnage that each sector contributes to the
8 overall statewide waste stream, and finally an estimated
9 statewide and regional per capita disposal rate.

10 --o0o--

11 MR. RUDY: That conclude the presentation at this
12 time.

13 I'd gladly entertain any questions any questions
14 you may have.

15 CHAIRPERSON JONES: Members, questions?

16 I've got one I need to ask.

17 In the last waste characterization that we did,
18 we hired consultants to do that work.

19 MR. RUDY: Correct.

20 CHAIRPERSON JONES: All of our base-year
21 adjustments, all of our documentations say that when
22 consultants or cities or counties are looking for a number
23 to assign to a particular -- you know, let's say, how much
24 does garbage weigh, because that's really what the issue
25 is -- they have to look for a published reference. When

1 we got into this whole issue about how much does garbage
2 weigh and just before we went into the moratorium when we
3 found the game that was being played, I was referred to
4 the characterization study and told that I didn't have a
5 clue as to what I was talking about because in that
6 characterization study it said garbage weighed 92 pounds
7 per cubic yard. I argued that I made my living doing this
8 for 24 years and I know that garbage don't weight 92
9 pounds per cubic yard.

10 One thing that needs to be done in this study,
11 for my vote, fix that number. Go out -- I don't want
12 somebody getting a burlap blanket and making a
13 determination what a yard is.

14 Okay. There's information all over the world
15 that a yard garbage weighs -- my number's 272 pounds. But
16 it weighs between, you know, 217 and 300, 310. That
17 number's got to be fixed or we're going to keep providing
18 a source for the games to be played.

19 So understand, as we're -- I mean if it's okay
20 with the members, that's an issue that I think's critical.
21 Because, you know, when you get somebody that you're
22 questioning their work, and then they turn around and give
23 you a reference, and the reference was done by him, sorry,
24 I ain't that stupid, you know.

25 So, please, include that, get a number that makes

1 sense so that we can offer that to the cities and
2 counties. And I don't fault anybody. I just don't think
3 I ever even noticed it when I first read that
4 characterization until somebody threw it in my face.

5 So it needs to be fixed.

6 MR. RUDY: If I might. I think part of the
7 problem is how you're looking at. When we're looking at a
8 disturbed sample that's been loosened and stuff like --
9 the 92 pounds was wrong, obviously. We've done some other
10 statistical studies, Nancy and I have, and it's probably
11 much closer to about 140 to 150 of that loose stuff. Your
12 270 to 300, that's compacted in the truck.

13 CHAIRPERSON JONES: No. That's in a bin.

14 MR. RUDY: It's in a bin?

15 CHAIRPERSON JONES: That's right.

16 Compacted in a truck it's going to be between 580
17 and 700, depending on the truck.

18 MR. RUDY: Okay. All right.

19 CHAIRPERSON JONES: I wouldn't lie to you.

20 MR. RUDY: I didn't expect --

21 CHAIRPERSON JONES: You can ask Cedar. She was
22 in charge of hauling all the garbage out of San Francisco
23 in trucks.

24 So, anyway, that's the issue. And if you need
25 some more -- I mean we'll give you some places to look.

1 But it's a game that can be played that needs to be
2 corrected in our document.

3 All right. Members, questions?

4 Mr. Medina.

5 COMMITTEE MEMBER MEDINA: Thank you, Chair Jones.

6 With that I'm moving Resolution 2002-664,
7 consideration of the scope of work to update statewide
8 waste characterization of disposed waste including rigid
9 plastic packaging containers and used oil containers,
10 Fiscal Year 2002-03, Contract Concept number 18.

11 BOARD MEMBER CANNELLA: Second.

12 CHAIRPERSON JONES: I've got a motion by Mr.
13 Medina, a second by Mr. Cannella.

14 This is going to have to go -- oh, no. This is
15 scope of work, right? This is just scope.

16 Okay. Members, substitute the previous roll?

17 On consent?

18 Thank you.

19 Before we adjourn, do any members have anything
20 that they would like to add?

21 Mr. Cannella, I want to thank you.

22 Go ahead.

23 BOARD MEMBER CANNELLA: Well, I just -- if we're
24 going to throw roses at each other, I want to commend you
25 too on your candor for the first item that we had,

1 identifying a problem very publicly so that people could
2 understand where the problem exists.

3 Your last comments about the games being played,
4 about statistical data being thrown back in your face to
5 be argued against what you knew as fact as opposed to what
6 was published.

7 It seems to me -- and I don't know that we can do
8 this. It's just a random thought. If we're having
9 trouble with people who are supposed to be experts and
10 hire out as consultants and are causing all the problems
11 with the entities that are hiring them to make their
12 annual reports, is there any certification that we do as a
13 Board? Do we identify the good players, the bad players?
14 Is that against the law?

15 But, again, I just wanted to say I appreciate
16 your candor in saying what you did and highlighting the
17 issues for everybody out there. And hopefully the word
18 gets back that we're not going to tolerate that any
19 longer. But at some point maybe we need to look at
20 certification.

21 STAFF COUNSEL BLOCK: We currently don't have any
22 program to do that, nor is there one that's specifically
23 included within the Board's authority.

24 We certainly do -- in the process of providing
25 technical assistance, we can, you know, recommend some

1 names. But, again, we tend to be fairly careful because
2 we may run into some issues if we are making specific
3 statements about specific consultants in the context of
4 recommendations or not. So it's something that we've been
5 fairly careful about.

6 But, you know, certainly when we get asked for
7 recommendations about somebody that we know has done good
8 work, we can certainly provide a list of names for folks
9 to talk to. So we try to do that.

10 At this point we don't have any kind of a
11 specific certification program.

12 BOARD MEMBER CANNELLA: Well, just the fact that
13 we mentioned it may do more than having to have a policy
14 that would create a list.

15 CHAIRPERSON JONES: Thanks, Mr. Cannella.

16 I just want to say thank you to the Committee
17 members and thank you to staff. You give us the work in a
18 way that when we prepare, we're able to zip through this.
19 And it doesn't happen without -- and we've come a long
20 way. And you guys have done a great job. And, believe
21 me -- I know the members -- if we were unhappy, we would
22 let you know.

23 So thank you all. And we're done before lunch.

24 (Thereupon the California Integrated Waste
25 Management Board, Diversion, Planning and

1 Local Assistance Committee adjourned at
2 11:45 a.m.)
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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board
7 meeting was reported in shorthand by me, James F. Peters,
8 a Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 16th day of November, 2002.

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23 JAMES F. PETERS, CSR, RPR
24 Certified Shorthand Reporter
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